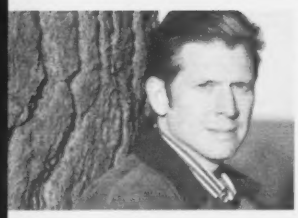
ANNUAL REPORT
2012/2013



The Office of the
Ombudsperson
B.C.'s Independent Voice For Fairness

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B.C.'s Independent Voice For Fairness

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Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria BC V8V 1X4

Dear Speaker:

It is my pleasure to present the Office of the Ombudsperson's 2012/2013 Annual Report to the Legislative Assembly.

This report covers the period April 1, 2012 to March 31, 2013 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act.*

Yours sincerely,

Kim S. Carter
Ombudsperson
Province of British Columbia

June 2013

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FROM THE OMBUDSPERSON

This past year was one of opportunity for the Office of the Ombudsperson. While we continued to build on the successes of earlier innovations such as our Early Resolution Process and our Systemic Investigations Team, we also commenced work on several new initiatives which I believe will deliver positive results over the next three to five years.

The Office of the Ombudsperson has two primary roles, responding to individual concerns and complaints and providing general oversight of the administrative actions of public agencies in British Columbia.

In fulfilling the first of those roles, nearly 7,500 inquiries and complaints were responded to and 1,900 early resolutions or investigations were completed in 2012/2013. These resolutions and investigations assisted not only the people who came to us with problems but also the various provincial authorities and public agencies including ministries, provincial boards and commissions, Crown corporations, local governments, health and educational authorities we consulted with to find fair, reasonable and equitable resolutions. They were able to remedy a problem; improve service delivery; or update a policy or procedure, all of which allowed them to better meet their own mandates.

In fulfilling the second role, our systemic reports continued to generate interest and produce positive improvements. The significant public interest in our February 2012 report that provided general oversight in the area of home and community care for seniors, *The Best of Care: Getting it Right for Seniors in British Columbia, Part 2* continued throughout 2012/2013. It led to many invitations from across the province to speak about the report and its findings and recommendations. In addition, a new public report into the adult guardianship process in British Columbia resulted in not only improvements to the current process but regulatory and legislative action.

While that work was on-going, the Office of the Ombudsperson also made progress on initiatives designed to expand opportunities for preventative ombudsmanship. One of the most effective ways to enhance preventative ombudsmanship – that is reducing or avoiding situations where administrative unfairness occurs – is by communicating lessons learned through complaints investigations to those making decisions about programs or designing service delivery processes. The lessons we identify from our investigations in one area can often benefit those working in another provincial authority or public agency or people tasked with designing a new program. In 2012/2013 three initiatives have focussed on this aspect of our work.

The first was delivery in September 2012 of our first preventative ombudsmanship team report, *Open Meetings: Best Practices Guide for Local Governments*. This report took lessons learned from investigating individual complaints of local government meetings being improperly closed and identified best practices for local governments to avoid problems and reduce concerns and complaints. Its publication has led to a number of invitations by local governments to make public presentations to them about this important aspect of transparency and good governance.

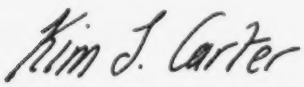
The second initiative was a request I made to all parties in the Legislative Assembly to consider establishing a Committee of the Legislature to receive reports from the Ombudsperson. Two colleague offices, the Office of the Auditor General and the Office of the Representative for Children and Youth, meet with committees with which they discuss the work of their offices and present reports for discussion. While this initiative was not something that was actioned during the last session of the Legislative Assembly, I did receive uniformly positive responses and I am

hopeful that it is something that can be achieved in the near future. If so, it will provide a very effective forum to communicate to decision makers broad issues and challenges and potential improvements in administrative processes and procedures.

The third preventative ombudsmanship initiative was engaging in constructive dialogue with public agencies which are developing or revising their internal service delivery or complaints resolution processes. Sharing this office's expertise in administrative fairness at an appropriate time in the development of those processes captures the essence of preventative ombudsmanship.

As well, an on-going initiative for our office is outreach to different communities across the province. In 2012/2013 this continued with an Ombudsperson Tour in the Greater Vancouver/Lower Mainland area. During that tour, the "Ombudsperson Office for the Day" was opened in several different locations which were designed to be particularly accessible to communities whose members are new to British Columbia or whose first language is not English. This was done to ensure those communities are aware of our services and that our office is aware of their needs and the challenges they face.

People in British Columbia value fair, reasonable and equitable treatment by provincial authorities and public agencies both for their own well-being and because they recognize it is indispensable for the good of our communities and for the province as a whole. Provincial authorities and public agencies also value fair, reasonable and equitable treatment both to fulfill their mandate to deliver services effectively and efficiently to the public and because they also recognize it is indispensable for the good of our communities and the province as a whole. The engaged, innovative and dedicated staff in our office focus on the goal of achieving that fair, reasonable and equitable treatment – administrative fairness – for all British Columbians. It is their work that makes the results set out in this report possible.



Kim Carter
Ombudsperson
Province of British Columbia

THE YEAR IN REVIEW

By the Numbers

- 7,431 inquiries and complaints involving 274 different public authorities
- 2,020 requests for information or assistance
- 3,627 matters dealt with by complaints analysts
- 1,674 investigative files completed
- 226 early resolution files completed
- 75 files awaiting assignment on March 31, 2013

2012/2013 in Review

The percentage of files opened by major authority category remained very similar to 2011/2012 numbers.

Authority	Files Opened 2012/2013 (2011/2012)	Files Closed 2012/2013 (2011/2012)
Ministries	55% (54%)	54% (52%)
Commissions and Boards	14% (15%)	14% (14%)
Crown Corporations	11% (12%)	11% (10%)
Health Authorities	9% (7%)	10% (11%)
Local Government	7% (7%)	7% (7%)
Professional Associations	2% (3%)	2% (3%)
Schools and Boards of Education	1% (1%)	1% (1%)

In 2012/2013, with the inclusion of our early resolution files, 70% of investigative files were able to be closed within three months and 85% within six months of the time they were assigned.*

In September 2012, the office produced its first preventative ombudsmanship team report, *Open Meetings: Best Practices Guide for Local Governments*. It was distributed throughout British Columbia. This report identifies best practices for local governments to avoid problems and reduce concerns and complaints regarding closed meetings.

In February 2013, the Systemic Investigation Team delivered *No Longer Your Decision: British Columbia's Process for Appointing the Public Guardian and Trustee to Manage the Financial Affairs of Incapable Adults* to the Legislative Assembly.

The investigation focused on the process of issuing certificates of incapability which result in the Public Guardian and Trustee of British Columbia assuming control over an adult's financial and legal decision making. People who have not planned ahead or do not have someone to act on their behalf can end up having these types of decisions made for them by a provincial agency. The report made 21 findings and 28 recommendations aimed at improving Public Guardian and Trustee and health authority practice, establishing province-wide training for staff and setting out legally binding minimum procedural requirements.

* These numbers do not include the time files must wait on the File Awaiting Assignment List before they are assigned to an investigator.

An increased number of outreach presentations were made throughout British Columbia this year. This was due, in part, to the ongoing interest in the office's investigation into home and community care for seniors in British Columbia. The list of non-profit groups, authorities we spoke with and professional contacts we engaged in, is found on pages 6 and 7.

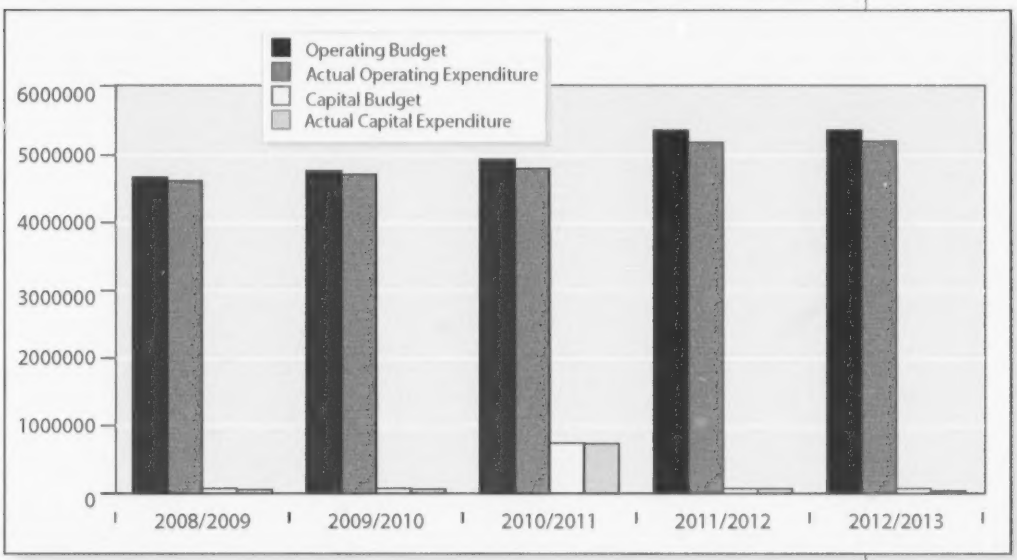
Presentation at the United States Ombudsman Association Annual Conference: "Systemic Investigations for the Smaller Office"

Speaking about the seniors report, part 2 in Quesnel

With staff and board members of the Progressive Intercultural Community Services in Surrey

Budget Summary

The 2012/2013 annual operating budget for the Office of the Ombudsperson remained the same as the 2011/2012 annual operating budget at $5,372,000. The number of staff also remained constant with 33 staff engaged in core ombudsperson activities and 13 shared services staff in the office providing timely and effective finance, administration, facilities, HR and IT support to four offices of the Legislature – the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson and the Office of the Police Complaint Commissioner.



	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
Operating Budget	4,671,000	4,773,000	4,945,000	5,372,000	5,372,000
Actual Operating Expenditure	4,624,535	4,721,577	4,803,266	5,189,800	5,204,411
Capital Budget	75,000	75,000	741,000	75,000	75,000
Actual Capital Expenditure	53,124	67,117	737,709	70,237	36,381

Note: The Capital Budget and Actual Capital Expenditure for 2010/2011 included a one-time cost to undertake tenant improvements on a building for which the four offices identified above have a 15-year lease.

LEED Gold Certification Ceremony – 947 Fort Street is the first building in downtown Victoria to achieve this international benchmark for design, construction and operation of a green building.

"On behalf of the 20th Annual Northwest Dispute Resolution Conference, I thank you for your presentation. The information was pertinent, relevant and brought excellent perspective."

Nancy Highness
Conference Co-Chair

Outreach

One of the most important activities in our office is outreach to the people, communities and authorities who can benefit from the resolutions the office provides. Below is a representative list of the outreach activities our office undertook in 2012/2013.

Outreach Tours

Abbotsford, Chilliwack, Richmond, Surrey

Outreach to Non-Profit Groups and Other Organizations

Abbotsford Community Services
AJAG – Assistant Judge Advocate General (Canadian Forces Base Esquimalt)
BC Care Providers Conference
BC Health Coalition Regional Gathering
BC Home Support Summit
BC Legislative Interns
BC Old Age Pensioners Branch 69
BC Old Age Pensioners Organization
BC Psychogeriatric Association Annual Conference
Broadway Pentecostal Lodge
Burnside Gorge Community Centre
Canadian Centre for Policy Alternatives
Canadian Conference on Elder Law
Capital City Executives' Association
Canadian Association of Retired Persons (CARP) Kelowna
Castlegar & District Health Watch Society
Celebrating the Hearts and Hands of Health Care Workers
Chilliwack and District Senior's Resources Society
Chilliwack Community Services
Community Care and Assisted Living Appeal Board
Comox Valley Retired Teachers' Association
Conference for Legal Advocates
Duncan Probus Club
Elder Friendly Community Network
Glenwarren Family Council
Greater Victoria Senior Organization
Greater Victoria Seniors Group
Jewish Community Centre
John Friesen Conference (SFU Gerontology Research Centre)
Kamloops Seniors Advisory Committee
Kelowna Seniors Advisory committee
Langley Senior Resources Society
Law Centre (University of Victoria)
Luther Court (Saanich)
Maple Ridge/Pitt Meadows & Katzie Seniors Network Planning Table

Speaking to members of the BC Old Age Pensioners Branch 69 in Abbotsford

Nelson & District Health Watch Society
North Shore Planning Table
Oceanside Coalition for Strong Communities
Prince George Council of Seniors
Progressive Intercultural Community Services Society
Quesnel/Williams Lake Seniors groups (MLA hosted)
Richmond Caring Place Society
Richmond Seniors Community Planning Table
Rotary Clubs of Richmond
Saanich Silver Threads
Semiahmoo Peninsula Seniors Planning Table & Sources Community Resources Society
Seniors Come Share Society & City of Surrey
Seniors Voices International
Social Work luncheon, Kamloops
St. Margaret's School
Support our Seniors (SOS)
UBC Dialogues
UVic Mental Health Information Fair
Vancouver Island Criminal Justice Association Forum
Voices of Burnaby Seniors
West Shore Seniors Group/Elder Friendly Community Network
Yaletown House Society

Outreach to Authorities

City of Abbotsford
City of Nanaimo
City of Victoria
Selkirk Community College
Simon Fraser University
Thompson River University
The Youth Forensic Psychiatric Services Centre

Professional Contact with Other Ombudsperson Organizations and Groups

Alberta Ombudsman
Correctional Investigator of Canada
Northwest Alternative Dispute Resolution Conference
Northwest Ombuds Group*
Canadian Taxpayer's Ombudsman*
United States Ombudsman Organization*

* These contacts include workshops and presentations made by our office to colleagues offices on systemic investigations for smaller offices and consultation in the BC Ombudsperson context.

"... people were most appreciative of both the information and the fact that Ms. Carter and Mr. Ronayne were willing to be so accessible to our communities. People are still talking about that inspiring visit to the West Kootenay."

Ann and Bud Godderis,
Castlegar and
District Health Watch

Ombudsperson staff participated in numerous outreach activities in 2012/2013 including the University of Victoria's Mental Health Fair

Members of the Victoria Jewish Community Centre pictured with staff following presentation

In-studio radio interview, CBC Victoria

THE OFFICE OF THE OMBUDSPERSON

Our Vision

British Columbia's Independent Voice for Fairness

Our Mandate

- To ensure that every person in British Columbia is treated fairly in the provision of public services
- To promote and foster fairness in public administration in British Columbia
- To uphold the democratic principles of openness, transparency and accountability

Who We Serve

- The people of British Columbia
- The Legislature
- The principles of administrative fairness

What We Do

- Respond to inquiries from the public
- Provide information, advice and assistance on issues of administrative fairness
- Conduct thorough, impartial and independent investigations of complaints
- Look for fair resolutions and make recommendations to improve administrative practices
- Independently initiate investigations of apparent administrative unfairness
- Provide reports to the Legislative Assembly and the people of British Columbia about the work of the office and remedying unfair administrative practices
- Generally oversee the administrative actions of public agencies to enhance transparency and accountability

Our Guiding Principles

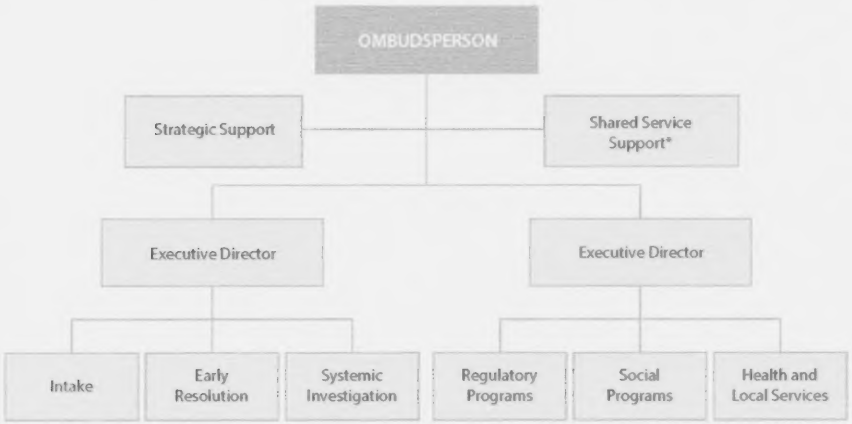
- Integrity
- Respect
- High Quality Service
- Equality
- Continuous Improvement
- Leadership
- Teamwork
- Trusting Environment

Our Goals

- *Ensure administrative fairness*
- *Provide quality service*
- *Enhance understanding of the principles of good governance*
- *Support a workplace of excellence*

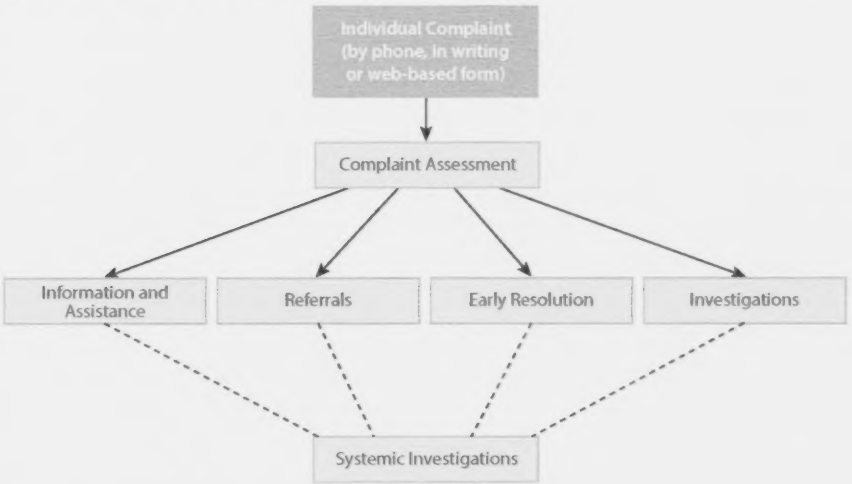
Who We Are

The Ombudsperson is appointed for a six year term by the Legislative Assembly. Ombudsperson officers who investigate complaints and conduct systemic investigations come from a wide variety of professional backgrounds including law, engineering, and public administration.



* Shared Service Support is a shared resource that provides support to four independent Officers of the Legislature: the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson, and the Office of the Police Complaint Commissioner.

How We Assist – Our Process



What is Administrative Unfairness?

Administrative fairness encompasses well-recognized principles of procedural fairness and good administrative practices. These include adequate and appropriate legal authority; functional organization and management structure; necessary and useful policies and procedures; clear and accessible public information; timely access to programs; consistent standards of practice; adequate and appropriate monitoring and enforcement; timely and appropriate complaint resolution and program evaluation.

All the inquiries and complaints we receive are tracked, analysed and contribute to our decisions on where we can most usefully conduct a systemic investigation.

Co-op students from the University of Victoria Law School get on-the-job experience during their co-op work term at our office.

What We Can Investigate

Complaints of unfair actions and decisions by:

- Provincial ministries
- Provincial boards and commissions
- Provincial Crown corporations
- Local governments
- Health authorities
- School boards
- Colleges and universities
- Other provincial public authorities, including self-regulating professions and pension boards of trustees

A full list of authorities can be found in the Schedule of the *Ombudsperson Act*.

What Findings We Can Make

An action/decision/recommendation/omission is:

- Contrary to law
- Unjust, oppressive, improperly discriminatory
- Done pursuant to an unjust, oppressive, or improperly discriminatory law, regulation, direction, guideline or policy
- Based on a mistake of law or fact
- Based on irrelevant considerations
- Based on arbitrary, unreasonable, or unfair procedures
- Done for an improper purpose
- Not explained with adequate and appropriate reasons
- Negligent
- Improper
- Otherwise wrong

An ombudsperson officer at a mobile intake location

What Recommendations We Can Make

- To refer a matter for further consideration
- An act be remedied
- A decision or recommendation be cancelled or changed
- Reasons be given
- A practice, procedure or course of conduct be altered
- An enactment or other rule of law be reconsidered
- Any other step be taken

Our Approach

- Independent
- Impartial
- Consultative
- Resolution oriented

Overview

In the following pages, you will read about some administrative unfairness issues that people complained to us about and how we dealt with them.

People often ask us what we do, who complains to us and what they complain to us about. Our investigations are varied and range from helping people with issues relating to homes and families to complaints dealing with work and business and professional associations. The complaints come from every region in British Columbia, from people of all ages and involve large, well-known authorities to less familiar commissions and boards. The office also offers the services of professional interpreters to assist people whose first language is not English.

The following case summaries are only a fraction of those we investigated but help tell a story of what was done. The first few pages are complaints that were resolved through our Early Resolution program. Whether it was facilitating information flow for a distressed daughter about her father's MSP coverage, to engaging a health authority's review of a senior's financial documents in a timelier manner, to ensuring a student was in contact with the right person at StudentAid BC, these were all issues that mattered to the people who contacted us.

The largest number of resolutions are obtained through the work of ombudsperson officers. The circumstances we respond to can be urgent, with serious consequences that can affect an entire family. Such was the case with the family of seven about to be evicted from their home had it not been for the timely and successful resolution of their complaint to our office. Not only were the parents given a reprieve but the whole family, including five children, were spared the consequences of eviction. The results we achieve can also help others in similar circumstances. A teacher raised a concern with us when her non-practicing status was revoked six months after she paid her annual fee and her teaching certificate was cancelled. In response to our investigation, the Ministry of Education refunded half the annual fee, not just to the complainant, but to all 1,302 non-practicing teachers whose certificates were cancelled halfway through the year.

Public authorities also strive to ensure they are treating people fairly. Sometimes when our investigations prove otherwise, these authorities try to make improvements such as when ICBC improved the information about escalating deductibles that was available on its website. This was as a result of a complainant coming to our office. When a process is fixed or improved as a result of a complaint, the system works more smoothly for those who use it, those who run it and those who come after them. Equally important, as some of our case summaries illustrate, we find authorities have acted fairly and reasonable. This aspect of our work is just as crucial as the investigations that result in changes in policy and practices. It can act as a reassurance to both the complainant and the public authority when an independent and impartial third party thoroughly reviews a matter and concludes that no unfairness has occurred. Our role is not to be an advocate for one side or another, but for administrative fairness for everyone.

We have changed the names of the people in all our case summaries to protect their confidentiality. In most cases we have identified the complaint as originating from one of four broad regions: the Lower Mainland, which includes Greater Vancouver, the Fraser Valley as far as Hope and the Squamish areas; Vancouver Island/ Sunshine Coast which also includes the Gulf Islands; Northern B.C. which includes Prince George and everything north of it; and the Interior, which includes everything south of Prince George except for the Lower Mainland.

CASE SUMMARIES

Early Resolution Case Summaries

MSP coverage for a father: A daughter's concerns

HEALTH INSURANCE BC – MSP, MINISTRY OF HEALTH
Vancouver Island / Sunshine Coast

We received a call from Mallory in January 2013 because her father was not receiving coverage through the Medical Services Plan (MSP). Mallory said that her father had moved back to British Columbia from Ontario in September 2012. Mallory's father lives in a seniors' care home, suffers from dementia and Mallory has power of attorney for her father. Mallory said that she had sent in the application for her father's MSP, assumed that everything was fine with the application and that her father's MSP coverage would begin in December 2012.

Mallory explained that when her father required medical treatment in January 2013, it was discovered that his MSP coverage had not been put in place. Mallory spoke with a staff person at MSP regarding her concerns, but did not feel she received adequate information. Mallory told our office she did not understand why someone from HIBC-MSP had not contacted her regarding problems with her father's MSP application earlier.

We called HIBC-MSP and asked if someone could call Mallory to discuss her concerns and answer questions about the process. In response to our call HIBC-MSP contacted Mallory and explained what needed to be done to arrange medical coverage for her father. Mallory was relieved to receive useful information.

Helpful information for an advocate

RESIDENTIAL TENANCY BRANCH
The Interior

Nancy called us because she was advocating for some seniors and was having difficulty getting information about how to dispute a rent increase for seniors living in apartments run by a society.

Nancy had contacted the Residential Tenancy Branch and BC Housing, but was unclear about which authority was responsible for the rate increase. We contacted the Residential Tenancy Branch and asked if it could call Nancy and provide her with information. Nancy said that a person from the Residential Tenancy Branch contacted her and provided her with information about the RTB dispute resolution process and about applying to have the process fees waived. Nancy said that it is wonderful to be able to contact the Office of the Ombudsperson and speak to a "live" person. Since the RTB provided Nancy with information which she believed would help to resolve her concerns, we closed the file.

Sorting out property tax deferment

MINISTRY OF FINANCE

The Interior

Jeremy contacted our office in February 2013 because he was having trouble getting information about the Property Tax Deferment Program. Jeremy explained that he was waiting for kidney transplant surgery and was in the process of organizing his financial matters. For the last few years, Jeremy's property taxes had been paid to the local municipality through the provincial government's Property Tax Deferment Program. It was usual practice, Jeremy explained, for the property tax deferment office to send him a form, which he would complete and mail back.

Because of his pending surgery, Jeremy wanted to arrange the property tax deferment for 2013 as soon as possible. When he enquired with the Ministry of Finance about the process, he was told that the form he needed to complete would not be available until May 2013. Jeremy was told he would have to wait for the new form. He was concerned that he might be in the hospital when the new form arrived in the mail, and that he would miss the opportunity to apply for the program. Jeremy explained that he would like to write a letter explaining his circumstances or use an old form.

We phoned the Ministry of Finance Property Tax Deferment office and explained Jeremy's circumstances. In response to our call, ministry staff contacted Jeremy and discussed his concerns. Jeremy explained to us that the ministry agreed to send him the appropriate paperwork as soon as possible. Additionally, the ministry contacted the local municipality tax office to explain what had been arranged for him.

In response to our call, ministry staff contacted Jeremy and discussed his concerns. Jeremy explained to us that the ministry agreed to send him the appropriate paperwork as soon as possible.

Searching for answers

PHARMACARE, MINISTRY OF HEALTH

The Lower Mainland

Elaine contacted us in March because she was having difficulties obtaining an explanation as to why her request for a drug approval was denied by PharmaCare. Elaine said that she wanted information on what the guidelines were for approval and if there was any appeal process. Elaine said she would like to speak with someone at PharmaCare who could provide her with some information.

Elaine said that she has rheumatoid arthritis and that Blue Cross has been paying for the medication she requires for the last five years. She said that because of a policy change, Blue Cross now requires the drug to be approved by PharmaCare. Elaine said that she has tried other drugs but they don't work and that without this medication she will not be able to work and her health will suffer.

We contacted PharmaCare the next morning in order to facilitate contact between Elaine and a representative of Pharmacare. As a result of our call, a representative from PharmaCare contacted Elaine that afternoon and provided her with the information on how to appeal the decision for PharmaCare coverage.

A volunteer acknowledged

MINISTRY OF SOCIAL DEVELOPMENT

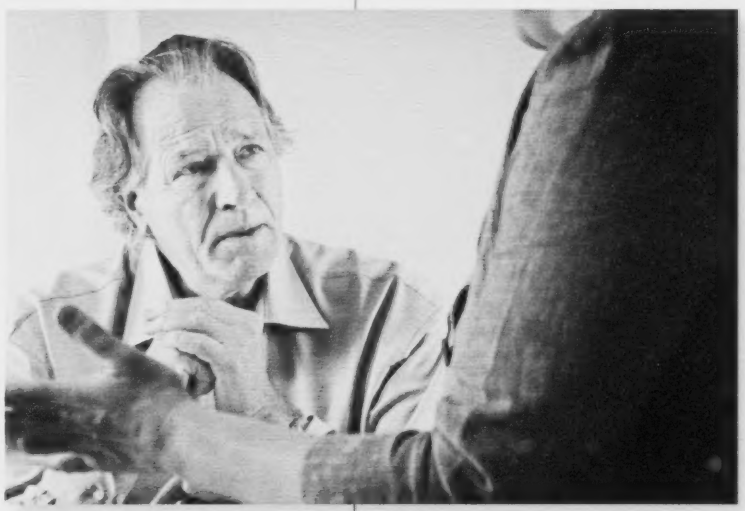
Vancouver Island / Sunshine Coast

Roland called the Ombudsperson because he had not received a response to a letter he sent to a supervisor. He had been supplementing his Persons With Disabilities (PWD) benefits by doing volunteer work. The ministry can provide a Community Volunteer Supplement (CVS) of up to $100 per month for volunteer work.

Roland first called our office in late September – he was concerned that he had not received the CVS for two months. His last volunteer job had ended but he had been volunteering since then at two other agencies. When Roland had called the ministry, he was told that he would have to fill out a new application. Roland did not understand why he should have to fill out another form. We referred Roland to a supervisor and invited him to call us again if this matter was not resolved.

Roland called back in late October. He had written to the supervisor on September 27 and enclosed confirmation of his volunteer hours by the social agency. There had been no response and the supplement had not been added to his PWD cheque. Roland believed he was entitled to the Volunteer Supplement and needed this money.

We offered the early resolution process to facilitate contact with the ministry and to provide an opportunity for Roland to discuss his concerns. The supervisor responded immediately and explained that Roland's letter had been attached to a file in error so the supervisor had not seen it. A cheque was now being approved retroactively. The supervisor said he would call Roland, who confirmed later that day that his concerns had been resolved.



Concerned about the rate

INTERIOR HEALTH AUTHORITY

The Interior

Jack's father is a senior living in a special care home. Jack said that the rate his father is required to pay for his care is too high and he complained that the fees do not leave enough income to cover his mother's living expenses.

Jack was having difficulties reaching a person at the Interior Health Authority (IHA) to discuss his concerns. We contacted IHA and asked that someone contact Jack. In response to our call, two staff persons from IHA contacted Jack and he was told that IHA would review Jack's father's financial documents and determine if he was eligible for further financial assistance. Since IHA contacted Jack and agreed to review his father's financial situation, we closed our file.

Early resolution process has teeth

VANCOUVER ISLAND HEALTH AUTHORITY

Vancouver Island / Sunshine Coast

Claudia called us on behalf of her elderly father, a patient at Nanaimo Regional Hospital. Her father, who suffered from delirium and pneumonia, had lost his lower denture during a move from one floor of the hospital to another. The denture had not been located and the hospital manager who was to call Claudia had not done so.

Claudia wanted her father's teeth found or to make an insurance claim for replacement. We offered an early resolution process to facilitate contact with the manager. Claudia was not sure of the manager's name but said she thought it was the administrative assistant to whom she had spoken.

The early resolution officer contacted the administrative assistant who confirmed that she had asked the manager of the medical unit involved to contact Claudia. She offered to follow up with that manager, who called Claudia soon after. While the goal of this early resolution was only to facilitate contact, Claudia reported the good news that the hospital had agreed to reimburse her for replacement of her father's denture.

Information about training

EMERGENCY AND HEALTH SERVICES COMMISSION

Vancouver Island / Sunshine Coast

Marie's young daughter was born with complicated medical problems. She contacted our office to complain that she had not received follow-up information about a training course for paramedics who might have to provide emergency medical help for her daughter.

Marie had contacted the physician whom she believed was coordinating the course, but Marie had not received a return call. Additionally, Marie had not heard back from the Emergency and Health Services Commission. We made some enquiries and learned that it would be best for Marie to speak to a staff person at the Patient Care Quality Office but that the office did not have Marie's new phone number. We provided the office with the correct phone number and within five days of calling us, Marie was contacted by the Patient Care Quality Office. Marie said that she received information about the training provided to the paramedics. Since the Patient Care Quality Office contacted Marie and provided her with the information she requested, we closed our file.

Making contact

STUDENTAID BC, MINISTRY OF ADVANCED EDUCATION, INNOVATION AND TECHNOLOGY

Vancouver Island / Sunshine Coast

Emile contacted us in late January because she and her mother were having difficulties making contact with a staff person at StudentAid BC. Emile said that she was denied additional funding because StudentAid BC said that her mother's boyfriend could help with her education expenses.

Emile indicated she was advised that she would need to provide a notarized letter to say that her mother's boyfriend could not assist with her expenses. Emile said that her mother had some concerns with this information and she wanted to speak with someone about it. Emile wanted a supervisor to contact her mother in order to clarify what was required for the appeal.

We called StudentAid BC in order to facilitate contact between a supervisor and Emile's mother. As a result of our call a supervisor made contact with Emile's mother the same day and provided her with the information her daughter was required to submit for the appeal.

File mix-up sorted out

FINANCIAL INSTITUTIONS COMMISSION

Vancouver Island / Sunshine Coast

Gary called us in November because he was concerned that he had not received a response to his letter regarding a pension plan that had been sent to the Financial Institutions Commission (FIC) in March. Gary said he had sent another letter in June but still had not received a response to either letter.

We contacted the FIC to confirm if the letters had been received and to inquire about when Gary could expect a response. As a result of our call, the FIC discovered the letters had been misfiled and not been responded to. The following week, FIC called us to advise that a response had been mailed out the day after our initial call. This was also confirmed when the office received a copy of the response and when Gary called to thank us and to tell us that the FIC had also contacted him.

Children and Youth

Getting help to get by

THE MINISTRY OF SOCIAL DEVELOPMENT

The North

Lily, a 17 year old, contacted us after being told by the Ministry of Social Development that she was not eligible for underage income assistance. Lily said that she was not able to live with family due to a number of circumstances. She explained that she told the Ministry of Social Development that the Ministry of Children and Family Development had assessed her situation and had made a recommendation that she receive underage income assistance. Lily said that the Ministry of Social Development insisted that she could remain with her family despite the information that she had provided and the recommendation of the Ministry of Children and Family Development.

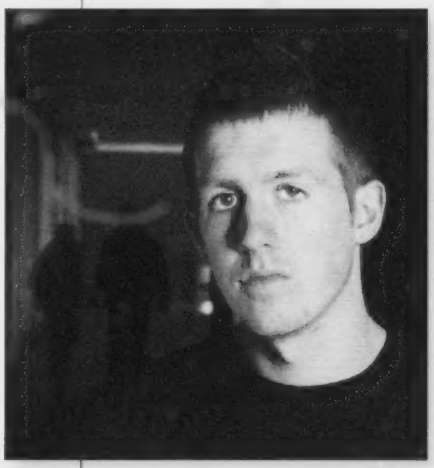
The Ministry of Social Development is authorized to provide benefits to underage applicants in certain circumstances. We wanted to ensure that the process followed by the ministry in considering Lily's application was fair and reasonable. It was unclear to us whether all of the information Lily told us had been conveyed to the ministry so we contacted the ministry office responsible for Lily's application for assistance to enquire about the reasons it had provided for denying Lily's application and ensure that it had all of the information Lily provided to us. The local office agreed to review the file to determine whether it had considered all the information Lily had provided.

An assistant supervisor contacted us after reviewing the file information. She said that she had also contacted the Ministry of Children and Family Development about Lily. She said that, based on her review of the information, she had determined that in these circumstances, Lily met the criteria for underage assistance. The assistant supervisor reversed the original decision. Lily contacted us shortly after and confirmed that she had completed her application with the ministry and had been issued assistance and medical coverage.

You break it, you buy it

BURNABY YOUTH CUSTODY SERVICES, MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

The Lower Mainland



Miles, a youth in custody at Burnaby Youth Custody Centre complained that staff said they were going to seize personal funds he brought with him when he went into custody as compensation for damage he caused to custody centre property during a previous stay in custody. He complained to staff about their decision, but was not satisfied that the centre's response was fair or reasonable.

We investigated the custody centre's response to the concerns Miles had raised. In response to our investigation, staff confirmed that provincial policies stated that when a youth damages custody centre property, as compensation for the damage, staff can only seize funds the youth earned in custody. As a result, custody centre staff assured us they would not seize any of the personal funds Miles brought with him when he came into custody. Custody centre staff also told us they had recalculated the balance Miles owed and the original amount had been reduced.

We investigated further and reviewed the custody centre's calculations along with the applicable policies. From our assessment, it appeared that the policy required a further reduction in the balance owed by Miles.

In addition, the provincial policy itself was confusing and appeared to require, if damage to ministry property caused by a youth in custody fell within a certain range of value, that the youth compensate the ministry in an amount which exceeded the actual value of the damage. We questioned the policy. In discussion with custody services staff, they agreed that this was not the intent of the policy or their practice and amended the policy to clarify this. Staff agreed to again recalculate the balance owing by Miles,which resulted in a further reduction.

Let's follow our policies

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

The Interior

The ministry agreed that the actions taken were not consistent with the Act or applicable practice standards.

Ryan complained that the Ministry of Children and Family Development had removed his children from his care without following the proper process. Ryan had custody of his children. His ex-wife, the children's mother, had access as set out in a court order. The ministry had received information about Ryan which caused it to begin an investigation. As the first step in its investigation, the ministry picked up Ryan's children from school and placed them with their mother before notifying Ryan of what had happened. The ministry told Ryan it had put a safety plan in place which involved the children remaining with their mother and Ryan was not permitted to see or contact them. Ryan said the ministry had not sought his consent nor involved him in this safety plan. He said the ministry did not formally remove the children from his care, as outlined in the *Child, Family and Community Service Act*, and therefore he believed the ministry did not have the authority to impose the plan it developed. Two weeks later, the children were returned to Ryan's care.

We investigated whether the ministry followed a process that was fair and in accordance with the legislation in deciding to take the children from Ryan's care without his consent. We received and reviewed a copy of the ministry's file notes related to the complaint and considered the ministry's actions in light of its legal authority under the Act and ministry policies and practice standards.

Ministry policy allows the ministry to develop a plan with parents for a child's safety during a child protection investigation. In these circumstances the ministry has not formally removed the children and the parents' consent is required. Our review of the ministry's records confirmed that the ministry had not initiated the removal process set out in the legislation. Ministry records were consistent with Ryan's assertion that the ministry had not sought his consent before implementing the safety plan.

We contacted the ministry which outlined the practice standards that applied to Ryan's situation and confirmed that ministry staff involved did not remove the children under the Act. The ministry acknowledged that because Ryan was a parent with custody and because the social workers did not exercise any powers under the Act to remove or take charge, the ministry was not authorized to impose the safety plan without Ryan's consent. The ministry agreed that the actions taken were not consistent with the Act or applicable practice standards and told us that its policy on this issue had recently been updated to further clarify that parental consent must be obtained to implement a safety plan.

The ministry also followed up with Ryan in writing to acknowledge the practice issues raised in his complaint and to outline the steps that had been taken by the ministry to prevent this from happening again.

Post-adoption support split after divorce

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

Vancouver Island/Sunshine Coast

When Dwight and his wife adopted a child they jointly entered a post-adoption assistance agreement with the Ministry of Children and Family Development to support the adoption. After they separated, Dwight cared for their child halftime, but the ministry continued to send the full post-adoption assistance cheque to the child's mother, Dwight's former spouse.

When the assistance agreement came up for renewal after two years, the ministry renegotiated a new agreement directly with Dwight's former spouse. Dwight was not invited to participate, and was not named or included in the new agreement. When Dwight raised a concern about this, the ministry suggested that any entitlement to a portion of the assistance was something that he would have to work out with his former spouse.

When the assistance agreement came up for renewal again, Dwight asked to participate in the negotiation and to receive half of the assistance funding. The ministry said he could be involved in the renegotiation process by providing any input he wished through his former spouse, who the ministry would deal with directly. Dwight felt it was unfair that he was not an equal party in the negotiation of the agreement, and that the ministry would not provide him with a share of the assistance appropriate to shared responsibility and parenting time he spent with his child.

We investigated whether the ministry had responded fairly to Dwight's request. We questioned whether it was fair to deny Dwight the opportunity to participate directly in the negotiation as he is the child's father and cared for the child on a halftime basis. The ministry initially maintained its position that its role was to provide the support and it was up to Dwight and his ex-spouse to organize and communicate about the best way to share the assistance. In consulting with the ministry we noted that we believed the applicable policy and guidelines anticipated that both parents would be given the opportunity to provide input. As the ministry had not provided any reason for restricting Dwight's involvement, we asked the ministry to include Dwight in the negotiation for the renewed agreement and the ministry agreed to do this.

As Dwight's situation was not particularly unusual, the ministry also informed us that it was implementing province-wide changes to its policy on negotiating post-adoption assistance agreements with separated adoptive parents. As a result of policy changes, separated adoptive parents who shared custody equally would now each receive assistance cheques in the amount of one half of the total post-adoption assistance amount. The ministry wrote to Dwight, explaining these policy changes, and confirmed it would issue cheques for half of the assistance directly to Dwight. We considered Dwight's complaint settled by these steps.

Privileges earned, privileges kept

PRINCE GEORGE YOUTH CUSTODY SERVICES, MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

The North

We met Cam during a visit to the Prince George Youth Custody Services (PGYCS). Cam had recently been transferred to the PGYCS from the Burnaby Youth Custody Services (BYCS) and he was upset that he had lost the privileges he had earned for good behaviour when he was transferred.

While at BYCS, Cam had attained Level 4 privileges, the highest level of privileges a youth can earn for good behaviour in youth custody centres. Level 4 privileges meant Cam could participate in more activities and stay up later at night. Cam said that when he learned he was being transferred, staff told him that these privileges would transfer with him. When he arrived at the PGYCS however, he was told that he was not allowed to keep his Level 4 privileges because he was a "new resident" and would have his privileges start with Level 2 again.

We investigated whether the PGYCS followed reasonable procedures in designating Cam as Level 2 upon his transfer. The PGYCS told us that it had a policy that all new residents began with Level 2 privileges. The PGYCS explained that this policy applied to both new youths in custody and youths who had been transferred and that this policy had been applied for 23 years with no exceptions permitted.

In assessing whether the PGYCS' Entry Level 2 policy was a reasonable procedure, we considered the incentive program at the PGYCS and the principles required of such programs in all youth custody centres. Based on our review of the Youth Justice Policy Manual, it was unclear how the Entry Level 2 policy at PGYCS was consistent with the principles of incentive programs identified in that manual. Specifically, we questioned the policy's consistency with the principle of incentives being related to demonstrated behaviour. The decision to designate Cam as Level 2 upon his arrival appeared to reduce his incentive level based solely upon his transfer and status as a "new resident," rather than on his demonstrated behaviour or attitude.

It was also unclear how the Entry Level 2 policy was consistent with the principle of the equal availability of incentives to all youth without discrimination. The policy could have resulted in two youths who have spent the same number of days in custody, and have the same record for good behaviour, having different privileges just because one youth was transferred and one was not.

Finally, we compared the incentive programs of all three youth custody centres. Although the incentive programs at each centre were not exactly identical, there were similarities in the phase levels and the privileges associated with each phase level. In particular, it appeared that allowing a youth with Level 4 privileges to keep his status upon a transfer may provide more continuity and be more consistent with the youth's demonstrated behavior than assigning the youth to Level 2.

After our assessment, we consulted with the PGYCS about Cam's situation. The PGYCS amended its policy to allow all transferred youths, like Cam, to maintain whatever phase level they attained prior to their transfer to the PGYCS.

After our assessment, we consulted with the PGYCS about Cam's situation. The PGYCS amended its policy to allow all transferred youths, like Cam, to maintain whatever phase level they attained prior to their transfer to the PGYCS.

Website information needs to be thorough

VITAL STATISTICS AGENCY, MINISTRY OF HEALTH

Vancouver Island/Sunshine Coast

Ken's former spouse and daughter applied to have the daughter's last name changed to match the last name of her siblings. Ken was concerned that the Vital Statistics Agency had not contacted him as he believed it required his consent for his daughter to change her name. When he complained to the Vital Statistics Agency, he was told that it could waive the requirement for the consent of one of the parents in exceptional circumstances. When Ken reviewed the agency's website he found that parental consent to change a name could be waived in certain circumstances. The website had a list of those circumstances, but "exceptional circumstances" was not listed as one of the conditions where consent of one of the parents was not required.

We investigated to determine whether the Vital Statistics Agency followed a fair procedure in waiving the requirement to contact Ken when it accepted his daughter's application to change her name. In the course of the investigation we reviewed provisions in *The Name Act*, and confirmed that exceptional circumstances is one of the bases for waiver of the consent of a parent that would otherwise be required before approval of a minor's change of name.

Based on the documentation provided with the application, we were satisfied that the agency had followed a fair procedure in accepting the change of name application without consent.

While the procedure followed in Ken's situation was reasonable, we did ask why the Vital Statistics Agency did not include all of the circumstances when consent can be waived on its website. In response, the agency amended its website to include all of these circumstances.

Working it out

VICTORIA YOUTH CUSTODY SERVICES, MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

Vancouver Island/Sunshine Coast

Brandon was a resident at the Victoria Youth Custody Centre. Brandon said that although the centre had sports equipment the youth could use, it did not have particular gym equipment. Brandon told us that he asked the centre's administrators if they could get the equipment but his request was denied. Brandon said that the centre staff explained in part that they wanted to be consistent with the other two youth custody centres in the province. Brandon said that he was confused by this because he had been to the other two youth custody centres and he knew that they both had total gyms.

Before we started an investigation into Brandon's complaint, we contacted the two other youth custody centres. Both centres confirmed that they had the equipment.

We decided to investigate the adequacy of the reasons the centre gave Brandon for its decision to deny his request. After we notified them of our investigation to consider the adequacy of the reasons provided to deny the request and discussed what we had learned from the other youth custody centres, the centre agreed to review its decision. It later informed us that on further consideration it had decided to approve Brandon's request for the gym equipment and were already working to identify a suitable location. Staff at the centre also followed up directly with Brandon by meeting with him to discuss their decision and answer his questions. We considered Brandon's complaint to be settled and ended our investigation.

CASE SUMMARIES

Driving and Transportation

Enforcing the rules

COMMERCIAL VEHICLE SAFETY AND ENFORCEMENT BRANCH, MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

Vancouver Island / Sunshine Coast

Joe was concerned that RV towing operators were damaging the vehicles they were towing and that they might not be properly licensed and insured. He felt that the ministry should protect the public by enforcing the legal requirements for towing RV trailers. Joe said that he tried to talk to ministry staff, but he was given the impression that they were unwilling to take enforcement action. He was not satisfied with their response.

We notified the ministry that we were investigating whether they responded fairly to Joe regarding his concerns about their responsibility to ensure the safety of tow truck companies towing RV trailers. Staff told us that they were not aware of Joe's concerns about RV towing or his reasons for believing that the rules were not being followed. During our initial discussions with the ministry, we became aware that this was a complex regulatory area.

We arranged for an opportunity for Joe to speak directly with staff in order to exchange technical information. An enforcement officer scheduled an in-person meeting with Joe to talk about the regulatory framework and provided Joe with his business card. Both Joe and our office were informed that Joe was welcome to call the enforcement officer with any questions or issues. The ministry also told us about a 24 hour number that Joe could call to report any alleged RV towing violations.

As a result of our consultation process, a group of enforcement officers spoke with some regional tow truck companies about the issue. The ministry's enforcement officers in the region were alerted to the safety violation concerns and undertook to include RV towing issues in their next enforcement campaign.

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Not a fleet

INSURANCE CORPORATION OF BRITISH COLUMBIA

The Lower Mainland

Paul owned and insured three vehicles with the Insurance Corporation of British Columbia (ICBC). He contacted our office when ICBC raised the deductible on his comprehensive coverage from $300 to $1000 without any notice to him. Paul told us he had 44 years of claim-free driving before he had four small claims in two years on his truck due to theft, vandalism, a cracked windshield, and weather. Paul thought it was bad enough that his deductible was raised without notice, but when ICBC applied the increase to all three of his vehicles, not just the truck involved in the claims, he was really concerned. Paul said it didn't make sense to increase rates on insurance on the other vehicles when no claims had been made.

Paul contacted ICBC customer service and the Fairness Commissioner in an effort to resolve what he believed to be unfair. He said he felt like he was being treated like a chronic complainer. He was insulted when he was asked why the rest of the public should pay for people with high risk behaviour. Paul said he wasn't high risk. He said it was unhelpful for ICBC to recommend he park his truck in a more secure area as he was already parking his truck in a well-lit area.

We investigated the fairness of the procedures followed by ICBC when it decided to raise the deductible on Paul's comprehensive insurance on all his vehicles. We discovered that ICBC had, in fact, informed Paul in writing that his deductible could increase on the truck. This notice was included in a renewal reminder from ICBC that advised Paul that any more comprehensive claims could result in an increase to his deductible. ICBC had also sent Paul a one page bulletin explaining escalating deductibles with the renewal reminder. This notice was provided before he made the fourth claim, which resulted in the deductible being raised. However, ICBC had not notified Paul that the increase would also apply to his other vehicles.

ICBC was applying the "escalating deductible" policy that results in increased comprehensive deductibles for insurers who have more than the average number of comprehensive claims in a year. We asked how the escalating deductible applied to the insurance on the two cars that had not had any comprehensive claims. ICBC agreed that the deductible need not apply to all the vehicles and lowered the deductible to $300 on his two cars.

We also looked at what kind of information was available about the application of the escalating deductible and found little detail on ICBC's website. We raised this with ICBC and as a result ICBC improved the information about escalating deductibles that was available on its website.

We asked how the escalating deductible applied to the insurance on the two cars that had not had any comprehensive claims. ICBC agreed that the deductible need not apply to all the vehicles and lowered the deductible to $300 on his two cars.

I need it in writing!

MOTOR VEHICLE SALES AUTHORITY OF BC

The Interior

Gordon complained to us when the Motor Vehicle Sales Authority (MVSA) refused to confirm in writing that it had removed a letter of warning from his file. MVSA also did not give him a reason why it would not put that confirmation in writing. This all began because Gordon had been frustrated with how long it was taking MVSA to process a licence application for a new salesman. He had raised his voice while speaking to a staff member at MVSA and it subsequently sent him a warning letter about his inappropriate behaviour.

Gordon did not deny he had lost his patience and raised his voice during the phone conversation. After speaking to a manager, he agreed not to repeat this behaviour and in exchange, the manager agreed to remove the warning letter from his file. Gordon asked for a letter to confirm that the document had been removed, however MVSA refused and would not tell him why.

We investigated whether MVSA had been fair to Gordon when it refused to provide the letter or reasons why it would not send him a letter confirming this. MVSA told us that the letter had been removed from Gordon's file one week after the warning letter had been sent. We asked why a letter confirming removal of the letter could not also be sent. MVSA agreed that there really was no reason for not providing Gordon with a letter and so it wrote to him, confirming that the warning letter had been removed from his file. MVSA provided us with a copy of the letter as confirmation of its actions.

As a result of our involvement, MVSA also implemented a new procedure of automatically sending a letter of confirmation whenever it withdraws a warning letter. We considered these actions to have settled the matter and ceased our investigation.

No fees if process is of no use

INSURANCE CORPORATION OF BRITISH COLUMBIA

The Lower Mainland

After Karl's car was written off due to an accident, he complained to us about the Insurance Corporation of British Columbia (ICBC). He believed ICBC had not followed a fair process when it required him to go to arbitration to settle on the value of the vehicle.

Karl wanted to repair the damages to his vehicle, but ICBC wanted to write the car off. When he and ICBC could not agree on its value, ICBC required him to go to arbitration.

We investigated whether ICBC followed a fair process in requiring Karl to go to arbitration. We determined that ICBC routinely offers arbitration as a customer courtesy. ICBC agreed that it erred in Karl's case when it told him he had to go to arbitration. ICBC acknowledged the error to Karl and offered to refund the arbitration fees. ICBC did not alter its decision regarding Karl's vehicle, explaining to him that the damage was extensive and even if it was repaired, it would not be safe to drive. Karl accepted ICBC's offer to refund the arbitration fee in addition to the arbitrator's determined value of the vehicle and we considered the matter settled.

Education

Reconsidering the appeal decision

STUDENTAID BC, MINISTRY OF ADVANCED EDUCATION, INNOVATION AND TECHNOLOGY

Out of Province

Sasha was in the final year of her PhD program. She expected to graduate in the spring and to start a new job. She was very concerned that her new job and the completion of her PhD were in jeopardy because StudentAid BC had decided not to release her $5,500 student loan. The reason was that the loan was intended to cover the fall term and the application had not been processed prior to the completion of the term as required by policy. Sasha explained that she had some difficulty getting information together to support her application, but she had submitted the information just prior to the end of the fall term. She had been counting on receiving the student loan money and said she would be unable to continue her studies without the student loan. She had submitted an appeal, but she was unsure how long it would take and she didn't have the funds to continue in the program while she waited.

We investigated whether StudentAid BC used a reasonable procedure processing the application. During the investigation we learned that the appeal had been adjudicated and been disallowed because the criteria for exceptions to policy had not been met. We reviewed Sasha's application and the appeal decision. We confirmed that Sasha had submitted all the required information and completed the application a few days prior to the end of the term. In consultation with StudentAid BC, it agreed to take another look at Sasha's application and the appeal decision. Based on that information, StudentAid BC allowed Sasha's appeal. Sasha was ecstatic to hear that the student loan would be released and she could continue with her plans.

We confirmed that Sasha had submitted all the required information and completed the application a few days prior to the end of the term. In consultation with StudentAid BC, it agreed to take another look at Sasha's application and the appeal decision. Based on that information, StudentAid BC allowed Sasha's appeal. Sasha was ecstatic to hear that the student loan would be released and she could continue with her plans.

When regulations don't make sense

MINISTRY OF SOCIAL DEVELOPMENT

The North

Ludmila complained about a debt being collected on behalf of the Ministry of Social Development. She said ministry staff told her she had to pay back income assistance benefits she received in August because she had not been entitled to receive those benefits. She told us she had already repaid part of the money but believed that, contrary to the ministry's view, she was entitled to those benefits. She said she had discussed her concerns about repaying the benefits with ministry staff but was not satisfied with their response.

Ludmila had been receiving income assistance in the summer but returned to school in the fall hoping to improve her job prospects so she could find work and get off income assistance. The instructors of the post-secondary program she enrolled in had invited students to attend an orientation day on August 31. Ludmila attended this event, which she described as non-compulsory, informal, introductory, and non-instructional. At the event, she met her instructors and fellow students, and participated in organized social events with students from other programs. No classes were held. Classes began the following day, on September 1.

As a full-time student, Ludmila gained access to student financial aid including student loans, but would no longer be eligible to receive income assistance under the *Employment and Assistance Regulation*. This legislation states that students such as Ludmila are no longer entitled to income assistance as of the first month after the month in which classes begin. As a result, a person starting a university or college program in September would receive income assistance for September, but effective in October the benefits would cease.

We investigated whether the ministry followed a fair procedure in responding to the Ludmila's concerns about the debt as the ministry was requiring Ludmila to repay funds received for September. The ministry took the position that the program Ludmila was enrolled in began on August 31. As a result, the ministry decided that she was ineligible for assistance as of September 1. We reviewed the program syllabus and related correspondence and discussed these documents with the ministry, as they appeared to confirm that no classes were held before September 1. As the regulation referred to the start of "classes" and it appeared that classes did not begin until September 1, we consulted with the ministry. As a result, the ministry agreed to cancel the debt for September and to repay Ludmila the partial payment she had made to the ministry which Ludmila received.

As a result, the ministry agreed to cancel the debt for September and to repay Ludmila the partial payment she had made to the ministry.

Getting information up-front

REVENUE SERVICES OF BC, MINISTRY OF FINANCE

The Lower Mainland

Anh contacted us after learning that Revenue Services of BC had reported to the credit reporting agency Equifax that her payment history on her student loan "overaward" included 11 payments made 90 days late and three payments that were "at least 120 days overdue." If a student receives more financial assistance than they are eligible for, this is called an "overaward."

The Ministry of Finance, through Revenue Services of BC, collects overdue amounts on behalf of the Ministry of Advanced Education. Anh had applied for another student loan to attend school, but she was denied because of the information Revenue Services had reported to Equifax. Anh said she had made all her payments according to a pre-authorized payment plan with Revenue Services, had never missed a payment, and the overaward had subsequently been paid in full.

We had questions about the process involved in reporting the payment as being at least 120 days overdue. We also looked at whether Revenue Services of BC clearly informed people that entering a payment plan did not stop them from reporting the debt to a credit reporting agency. During our investigation we determined that in 2002, Anh was unable to repay in full a grant overaward of $1,448. She had entered into a payment arrangement to pay $25 per month on this debt. Payments were reported as at least "120 days overdue" because although Anh was meeting the scheduled repayments the entire amount of $1,448 of the grant overaward was due and had been delinquent more than 120 days. Credit reporting records on each loan are maintained for six years after the last activity on each account.

The Ministry of Finance told us that it completed a review of credit reporting on BC student loans which resulted in some updates to its credit reporting practices. Where payment arrangements are in place on defaulted loans or overawards, there is now an explanation that says "Account being paid under reduced payments" added to the Equifax report to reflect the payment arrangement. If payments are not made in accordance with the payment arrangement, this explanation is either removed or updated to reflect the further default.

Although this was a positive development, we examined whether debtors were adequately informed that debts would be reported to credit reporting agencies irrespective of any repayment agreement that might be reached. We discussed this issue with ministry staff. The ministry agreed to add information to its standard letter sent to debtors which confirmed the payment plan with Revenue Services stating that the debt has been reported to a credit reporting agency and that could impact the person's credit rating. In addition, the initial letter advising borrowers that their account has been referred to Revenue Services now also states that the debt has been reported to a credit reporting agency.

CASE SUMMARIES

Health

Exceptional case coverage received after all

PHARMACARE, MINISTRY OF HEALTH

The Interior

Hal's body was extraordinarily resistant to insulin and he required very high doses of it for treatment of diabetes. He said this made him feel lethargic and generally unwell. In 2011, after years of trying to manage his diabetes this way, his doctor gave him samples of a new drug which allowed him to take much less insulin. According to Hal, the medication "worked miracles" for him. He said that he and his wife were both on disability pensions and could not afford to pay for the drug themselves.

Hal's doctor asked PharmaCare to cover the cost for the new drug. He contacted us shortly after PharmaCare decided not to cover the drug for anyone. He told us that doctors and others involved in his care had contacted PharmaCare to request an exception in Hal's case, but they were not successful. Hal said that his doctor and a nurse at the diabetic clinic had called PharmaCare and were told that in exceptional cases coverage could be considered, but did not explain how that process worked.

When Hal said PharmaCare was unable to explain what needed to be done or what information it needed to consider exceptional case coverage, we investigated to ensure that the process PharmaCare followed in responding to Hal's situation was fair and reasonable. In response, PharmaCare explained that because the drug Hal wanted was not a benefit, normal special authorization rules did not apply. PharmaCare explained that the applications made by others on Hal's behalf were incomplete and did not meet PharmaCare's requirements. We questioned whether those requirements were clearly communicated by PharmaCare, as the medical professionals involved in Hal's care did not appear to fully understand what they needed to do. When we consulted with PharmaCare to consider possible resolutions to the problem, PharmaCare decided to contact one of the doctor's involved in Hal's care. On receipt of information from that doctor concerning Hal's exceptional circumstances, PharmaCare decided to cover the drug in Hal's case for one year.

While that resolved the issue for the time being for Hal, we were concerned that others in similar situations would face the same difficulties. We followed up with the Ministry of Health and it confirmed that there was no written information available to physicians about the process for seeking coverage of a non-benefit drug. Influenced by our investigation and Hal's case, the ministry produced and included on its website written information about last resort exception applications for non-benefit medications.

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Staying safe

FRASER HEALTH AUTHORITY

The Lower Mainland

Margot was worried about the length of time it was taking Fraser Health Authority to find an appropriate residential care facility for her son, Bill. She explained that Bill lived alone and was at risk of serious injury. Since Bill's wheelchair did not fit through his bathroom door, he had to leave it outside the bathroom and make his way as best he could. As a result, he often fell and was unable to get up on his own. Bill received home support services three times daily, but sometimes this was not enough.

During one three-day period, the BC Ambulance Service was called to Bill's apartment several times because he had fallen. He was taken to the hospital on two of those occasions. During those same three days, Bill suffered a fall without his Lifeline device and he had to make noise to draw the attention of nearby construction workers who were able to come and assist him.

We investigated whether the health authority was following a reasonable procedure in responding to the request for residential placement, and whether there was any unreasonable delay in offering Bill a residential care placement. Bill's case manager confirmed that Bill's need for residential care was urgent but placement was complicated because Bill had selected preference in two geographic areas whereas policy limited preference to one area.

Everyone agreed Bill's need was urgent so we explored interim measures with the health authority that would address his situation. As a result, the health authority increased Bill's home support hours so that one or two home support workers were with him from 8 a.m. until 8 p.m. in order to optimize his safety and assist him with personal care needs until he moved to a facility. A few weeks later, space became available at a facility in the community near his family. The health authority continued with extended support until Bill moved into the facility.

Premiums that should not have been charged

MEDICAL SERVICES PLAN, MINISTRY OF HEALTH

Vancouver Island/Sunshine Coast

John was concerned that he was being charged for Medical Services Plan (MSP) premiums that he did not think he owed. John understood correctly that while he was receiving income assistance, he was not required to pay MSP premiums. Nevertheless, he was being asked to pay $792 for premiums that were charged while he was on income assistance.

The Ministry of Social Development told John it could not fix the problem, but provided written confirmation that John was receiving income assistance during the period in question. John submitted that information to Health Insurance BC (HIBC) but was not able to resolve the matter. John told us that Service BC staff tried to help and contacted the Ministry of Social Development and HIBC more than once but were unable to identify the organization or the process through which John could try to address his problem.

During our investigation, the Ministry of Health informed us that a protocol was established between HIBC, the Ministry of Social Development and the Ministry of Children and Family Development to resolve problems like the one facing John. In this case, the protocol had not been followed.

After agreeing to review John's circumstances, the Ministry of Health promptly adjusted his MSP account and eliminated the debt. At our suggestion, the Ministry of Social Development took steps to remind staff of the protocol and the Ministry of Health also agreed to send information about the protocol to Revenue Services of BC, Health Insurance BC, Service BC and the ministries affected by the protocol.

After agreeing to review John's circumstances, the Ministry of Health promptly adjusted his MSP account and eliminated the debt. At our suggestion, the Ministry of Social Development took steps to remind staff of the protocol and the Ministry of Health also agreed to send information about the protocol to Revenue Services of BC, Health Insurance BC, Service BC and the ministries affected by the protocol.

What do I have to do?

VANCOUVER ISLAND HEALTH AUTHORITY

Vancouver Island/Sunshine Coast

Harold wanted to participate in a recovery addictions support program, but understood that he could not attend because he had been banned for one year from attending another program that was located on the same property. Harold didn't think this was a good reason for limiting his access to the group program that he felt would really help him. He understood that his concerns were being reviewed by VIHA, but he hadn't heard from anyone for some time and he didn't know who was reviewing the matter or who to contact. Harold was anxious about the delay and thought the one year ban might be over or almost over by the time he got a response.

Our investigation determined that the lack of progress in reviewing Harold's concerns was caused largely by VIHA's inability to obtain Harold's consent for VIHA to contact his probation officer and others to complete the review. After that issue was resolved, but in the course of our investigation, it became clear that Harold misunderstood the reasons he wasn't permitted to participate in the group program he wanted. The reasons were largely due to his suitability for group programming. The behaviour that led to his ban from the other program was a consideration, but not the primary reason for limiting Harold's access to the group program he wanted to attend. Harold incorrectly assumed that once his one year ban was complete, he would be able to participate in the group program.

We proposed that VIHA explain to Harold the basis for VIHA's decision not to allow him to participate in the group program and clarify that the decision was not primarily based on his behaviour in the other program. As well, we suggested VIHA provide Harold with information about any measures he might take to improve his chances of entrance to the program in the future. VIHA agreed to write to Harold to explain both issues.

Reimbursement for an extraordinary expense

HEALTH INSURANCE BC - PHARMACARE, MINISTRY OF HEALTH

The Lower Mainland

Marla had recently arrived in British Columbia as a refugee and had been enrolled in the Medical Services Plan (MSP) for a few months. While she was temporarily in Alberta, Marla's prosthetic leg broke. She had it repaired in Alberta and then asked PharmaCare to reimburse her for the $900 it cost to repair. Marla was told that she was not eligible for reimbursement because she had not registered in the Fair PharmaCare program. She had been unaware that registration in the Fair PharmaCare program was a separate requirement from enrolment in MSP.

PharmaCare assists with the cost of certain prescription drugs and medical supplies once an eligible person has paid an annual deductible that ranges from $0 - $10,000. The $10,000 deductible is automatically assigned to a person who is enrolled in MSP but has not registered with Fair PharmaCare and provided information about their annual income. As Marla had not registered with Fair PharmaCare, she was automatically given a deductible of $10,000; however, based on her actual income, her eligible deductible was far lower.

We investigated whether PharmaCare had followed a reasonable procedure in responding to Marla's request for reimbursement. In the course of our investigation, we learned that there might be other barriers to Marla's eligibility for reimbursement. In particular, policy required pre-approval for any prosthetic work in excess of $400 and it required that services be provided by an approved supplier.

We had a number of discussions with PharmaCare staff who confirmed that the repair was done by an approved supplier. As a result of our consultation, PharmaCare decided that Marla's circumstances were unusual and agreed on an exceptional basis to process her claim for reimbursement of the prosthetic. Marla was very pleased with this outcome and we considered the complaint to be settled.

CASE SUMMARIES

Home

Not again, why do I have to go through this every year?

BC ASSESSMENT

The Interior

Not everyone agrees with BC Assessment's valuation of their property and there are several ways for property owners to dispute the valuation. Chen went through those processes each year for several consecutive years and he was getting fed up. He contended that BC Assessment had undervalued his property. It was not that he wanted to pay more taxes; his concern was that realtors in his area reportedly would not list properties for more than 10% above the assessed value. Chen said he had paid $130,000 for his property and had made improvements. Property values had been relatively stable in his area and he thought BC Assessment's valuations that went as low as $75,000 were not supportable. Each year he challenged the assessment and each year it was adjusted upward only to dive again the next year. He wondered why he had to keep complaining and why BC Assessment did not take into account the adjustments that were made in previous years.

BC Assessment's 2009 valuation of his property was $90,900. Chen provided information about his property to BC Assessment and his property was reassessed at $144,200. The next year, BC Assessment valued the property at $74,700. Chen complained and the assessment was adjusted to $140,000. When Chen received his property assessment at the end of 2011, he was frustrated to see that BC Assessment had again valued his property well below the assessments that were eventually established in the previous years. He knew that he could dispute the assessment again and he did, but he did not think it was reasonable that he should have to do so year after year for the same property.

We investigated to ensure that the process followed by BC Assessment was fair and reasonable. In discussions with BC Assessment regarding similar complaints, we were told that Property Assessment Review Panel and Appeal Board decisions were taken into consideration by BC Assessment as part of its annual assessment process. We drew this to BC Assessment's attention and questioned whether this had happened in Chen's case.

BC Assessment reviewed its records regarding Chen's property assessment and discovered that the assessor had not properly recorded information regarding Chen's home. This error was the main cause of the reductions in his assessment. The error was corrected and the assessor wrote a letter of apology to Chen. In that letter, he advised that he would be taking steps to minimize the likelihood of similar errors by reviewing the matter with the appraiser involved and his supervisor. The assessor also wrote that he would also review procedures with the deputy assessor in the regional office to ensure that information obtained in the resolution of appeals is properly recorded and that decisions of the Property Assessment Review Panels are considered when assessed values are determined for subsequent years. Chen thanked us for the resolution to his complaint.

Back on track thanks to intervention

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

The Lower Mainland

Joyce contacted us because she was frustrated about her application to purchase Crown land. The Crown land was property her family had been leasing from the government for many years. It had great sentimental value because the family had a cabin on the land that they had used as their vacation property since Joyce was young. When lease prices for the land went up, she decided to apply to buy the land.

She explained that she started the application process almost five years ago. She said that after the initial two years of the process, no further progress had been made and she had only recently heard from the ministry that her application was not yet complete. Joyce told us that she believed the ministry neglected her application over the years. She said as a result she had suffered financial loss because she continued to pay lease fees when she could have been making payments on a piece of land that she wanted to purchase.

We investigated whether the ministry had unreasonably delayed her application to purchase the land. We requested and reviewed the ministry's land application file and constructed a timeline. As Joyce had told us, her application sat inactive for a period of time. We contacted ministry staff to discuss what had occurred. We learned that the application had sat inactive because the person working on her file had retired and due to a ministry oversight her file was not reassigned to someone new until a year later. Once the ministry reassigned Joyce's file, the new person contacted Joyce to apologize and acknowledge the error. However, this did not address her concern over her financial loss.

We consulted with the ministry to see how it could address Joyce's concern about her financial loss due to the delay. As a result, the ministry agreed to compensate her by reducing the Crown fee to purchase the land by an appropriate value that would address its delay in processing the application. This took into account the impact of delay on the part of the ministry in processing Joyce's application and Joyce's application to purchase was back on track.

Why won't they accept a lesser payment?

BC HYDRO AND POWER AUTHORITY

Vancouver Island/Sunshine Coast

Jasmine contacted us with a complaint that a billing error by BC Hydro resulted in her owing a substantial debt to them. She had received a payment demand that she commit to a payment plan of $80 per month to address the debt. She was told that a collection action would be commenced should she not follow the payment plan offered. She told us that she receives income assistance and though she intended to repay the arrears, she could not afford $80 a month. She felt that BC Hydro's refusal to accept a lower monthly payment was unfair.

We investigated whether BC Hydro provided Jasmine with adequate reasons for its refusal to accept payment of a lesser amount and spoke to BC Hydro staff to discuss the matter. Staff told us that the maximum repayment term permitted under their policy was 36 months and in order for Jasmine to repay the sum within the timeline, she would have to pay $80 each month.

BC Hydro did not dispute that the arrears were due, in part, to their own error with respect to the administration of the account. Given that, we suggested this might be an exception to the 36 month schedule, particularly as the amount of arrears was significant.

BC Hydro was willing to accommodate Jasmine's circumstances by negotiating a repayment plan which would allow her to make payments over a period in excess of 36 months and in smaller increments.

BC Hydro was willing to accommodate Jasmine's circumstances by negotiating a repayment plan which would allow her to make payments over a period in excess of 36 months and in smaller increments. Jasmine subsequently confirmed that an acceptable repayment plan had been negotiated and that she considered her complaint to have been resolved. She thanked us for our assistance.

Information is a powerful tool

BC HOUSING

The Lower Mainland

Monique and her son had been living in a subsidized apartment managed by a housing society for more than 13 years. Each year she had to complete an Application for Rent Subsidy declaring her total household income and assets. This information was used to determine her eligibility and the amount for housing subsidy. The application included a declaration that if Monique was found to be ineligible for the rent subsidy, she would immediately have to pay the full amount of rent.

Monique did not provide verification of her and her now adult son's income information to support her application for subsidy. After making efforts to obtain the information, the housing society withdrew her subsidy and her rent increased to the market rate, a fivefold increase. When Monique did not pay the increased rent, the housing society served her with a ten day Notice to End Tenancy for non-payment of rent.

Both Monique and the landlord filed applications with the Residential Tenancy Branch. Monique filed a notice to dispute the rent increase with the Residential Tenancy Branch and the housing society filed an application for possession of the premises for non-payment of rent. The Branch adjudicator found she had no jurisdiction to review the disputed rent increase, and granted the housing society an Order of Possession and a monetary order for unpaid rent. Monique, her son and their possessions were removed from the apartment by a bailiff.

Monique's agent contacted us because there appeared to be no process for Monique to appeal the decision to discontinue her housing subsidy, the loss of which led to her eviction.

In October 2006 the *Residential Tenancy Act* was amended to include public housing bodies and to require public housing bodies to give two months' notice to end a tenancy if the tenant ceased to meet eligibility requirements for a housing subsidy and the subsidy is provided for in the tenancy agreement. The amendment enables a tenant to dispute a decision about subsidy eligibility but it did not assist Monique because her tenancy agreement predated the change to the Act. The Branch could review the notice to end tenancy for failure to pay rent. However, that process did not resolve Monique's dispute about the loss of her housing subsidy.

Improved processes only assist individuals if all those involved in rental situations are aware of how the amendments affect landlord and tenant relationships. We were not confident that housing providers and tenants were aware of the changes to the *Residential Tenancy Act*. BC Housing's website and the Tenant Handbook did not include any information about the changes. There was no evidence of widespread distribution of the amendments and how these changes might affect those who resided in subsidized housing. We raised the issue with BC Housing who advised that it had a role to audit housing providers to confirm the correct level of subsidy but not to review a dispute about eligibility for the subsidy. We consulted with BC Housing regarding the information provided to housing providers about the

loss of subsidy leading to eviction. BC Housing was agreeable to providing more comprehensive information on its website as well as training to housing providers on the relevant changes to the *Residential Tenancy Act*.

As a result, information is now more readily available to housing providers and for people who live in subsidized housing. The Rent Calculation Guide and the Resident Management Guide for housing providers on BC Housing's website now include information on the *Residential Tenancy Act* and what the housing provider should do when it determines that a resident is no longer eligible for the housing subsidy. BC Housing also agreed to provide training to housing providers on the relevant changes to the *Residential Tenancy Act* and to its property portfolio assistants, non-profit society and coop housing providers and non-profit property managers throughout British Columbia. Furthermore, each year, BC Housing co-presents with the Residential Tenancy Branch at BC Non-Profit Housing Association annual conferences and now uses the opportunity to educate its members about subsidized housing.

An unnecessary move averted

COMMUNITY LIVING BC

The Lower Mainland

Jennifer called us after she learned that Community Living BC (CLBC) planned to end its contract with the operator of the group home where her daughter, Alison, had lived for 20 years. Alison had Rett Syndrome and needed 24 hour awake care. Jennifer said that CLBC had not provided her with any suitable alternate group homes that would meet her daughter's needs and she was concerned that Alison would have to move to another community to receive care. Jennifer said she wanted Alison to remain in her current group home as it was her home and she was receiving the care she needed.

We investigated whether CLBC had followed a fair and reasonable procedure in planning for Alison's ongoing care. In particular, we investigated:

- whether CLBC had provided Jennifer with adequate and appropriate reasons for the closure of the group home which caused the need to move Alison
- whether CLBC had engaged in a reasonable planning process for Alison's move
- whether CLBC had taken Alison's health, safety and disability needs into consideration in deciding to move her and in determining the appropriateness of new placements

Initially, CLBC said the group home was surplus to its needs and therefore could be closed without affecting its ability to meet any client needs. CLBC indicated that at the time the decision was made to close the home there were no clients in the area awaiting immediate placement. This raised further questions for us about CLBC resource planning and placement policies and the information CLBC had relied on in coming to this conclusion.

During our investigation, CLBC re-evaluated its original decision to end the contract with the group home operator. In doing so, CLBC decided that the group home would stay open and Alison could continue to live there. In addition, new residents were identified who would move in over the following months. As a result of CLBC's decision to maintain Alison in her long term home in a community that met her and her family's needs, we considered the complaint settled.

CASE SUMMARIES

Income and Community Support

Speedy action keeps family in home

MINISTRY OF SOCIAL DEVELOPMENT

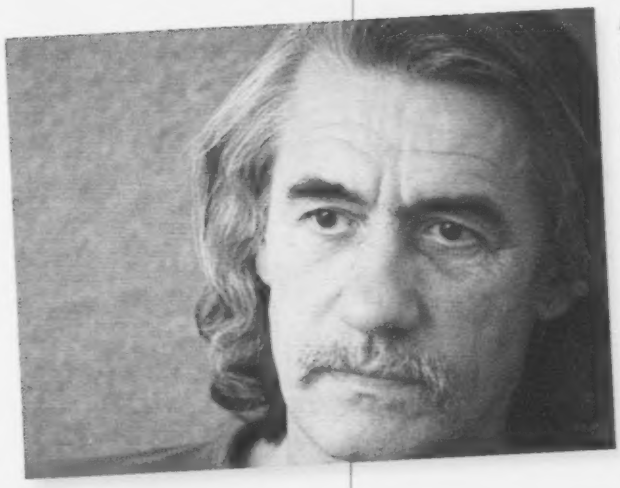
The Lower Mainland

Adam called us on the Friday that he, his wife and five children were to be evicted. He told us that the ministry had put a hold on his April income assistance cheque because it considered his Registered Disability Savings Plan (RDSP) to be an asset. Adam indicated that the RDSP was "locked in" and he could not obtain the money from it to pay his rent. Adam thought that the ministry believed that he could access the RDSP and for that reason considered the funds an asset that made him ineligible for income assistance benefits.

We spoke to the ministry the same day that Adam contacted us to investigate whether it was following a reasonable procedure with respect to the RDSP. During our investigation, it became clear that there were different views about whether Adam could access the RDSP. The issue was whether the RDSP was exempt. Our interpretation favoured exemption. The ministry was not convinced. The ministry agreed that the RDSP was exempt for clients who received disability benefits, but was not sure whether this exemption applied to recipients like Adam who were receiving regular income assistance benefits.

After our discussion, the ministry supervisor requested clarification of the policy on the exemption status of RDSP accounts. Meanwhile, with Adam's permission, ministry staff asked his landlord to delay eviction until after the weekend. The landlord agreed. When we contacted the ministry early on Monday, the ministry confirmed that the RDSP was exempt for regular income assistance recipients. Therefore, Adam was not ineligible for income assistance benefits due to the RDSP.

Ministry staff assured us that they would be issuing a cheque to Adam's landlord for the April rent on Monday. As a result, Adam and his family were not evicted. Adam thanked our office for our service and we closed our file as resolved.



A reimbursement to correct an error

MINISTRY OF SOCIAL DEVELOPMENT

The North

Evan had been receiving disability assistance for many years. He contacted us about a couple of problems he had with the ministry. He told us he had learned that the ministry had not provided him with the full amount of support for which he was eligible for nearly three years, that the ministry admitted the error, but it only reimbursed him for one year. He said the ministry refused to reimburse him for the underpayments for the remaining two years. Evan was also concerned that the ministry continued to require that his file be handled outside the office by a third party administrator and it would not consider transferring his file back to the ministry office.

We investigated whether the ministry had followed a fair process in handling Evan's requests. The ministry confirmed that, due to an error on its part, an underpayment had occurred on Evan's file for 34 months. The ministry did not have a specific policy or legislative direction about reimbursing for an underpayment, but indicated that its usual practice is to reimburse the person for a maximum of 12 months, as it had done in this case. After reviewing the matter, it decided in this case to reimburse Evan for the full period of underpayment.

Ministry policy authorizes files to be sent for administration off-site by a third-party agency when a client has difficulty managing their funds, or when a client may be a risk to themselves or others. Based on this, Evan's file had been sent to a third-party agency several years earlier. Ministry policy recommends an annual review of each file administered by a third-party agency to determine whether, based on recent behavior, there should be a change. After reviewing Evan's file with the agency, the ministry sent Evan a letter to let him know it had transferred his file back to the local ministry office. Evan was satisfied with these outcomes and we considered the complaint settled.

What more can I do to prove that I'm being evicted?

MINISTRY OF SOCIAL DEVELOPMENT

The Interior

Max contacted us with a complaint about the Ministry of Social Development. He told us that he had asked the ministry for assistance as he had no food and was unable to pay his rent.

He said that he had been advised that he was required to perform a three week job search in order to qualify for any benefits. He explained to ministry staff that it was not practical for him to be interviewing for jobs when he has no food and nowhere to live. He also suggested that while his need was immediate, it would be temporary as he believed that he had a job available at the end of the month.

Max told us that the ministry did not consider his need to be immediate as he had not been able to produce an eviction notice from his landlord. Max said that it was not possible for him to produce an eviction letter as it was his roommate who was evicting him. He had explained his dire situation to the ministry and was not satisfied with the ministry's response.

We investigated whether the ministry had provided Max with adequate reasons regarding its decision to refuse his request for food assistance, and its requirement that he perform a three week job search in order to qualify for shelter assistance. We contacted the ministry to discuss his concerns. We asked the ministry what information it relied upon when it refused to provide Max with food vouchers. Ministry staff acknowledged that it would have been appropriate for staff to have provided food vouchers at the time Max contacted the ministry and that these would now be made available to him. We also asked whether a notice of eviction from his roommate could be considered as evidence in support of his contention that he has an immediate need for shelter. The ministry agreed that this would assist and suggested Max provide staff with this document.

Max subsequently confirmed that he had received food vouchers, that the eviction notice from his roommate had been accepted as evidence in support of an immediate need, and that the requirement that he perform a three week job search had been waived. He also confirmed that he had received the shelter assistance which enabled him to secure a place to live.

Support for college student

FAMILY MAINTENANCE ENFORCEMENT PROGRAM, MINISTRY OF JUSTICE
The Lower Mainland

Justine told us that she believed that the Family Maintenance Enforcement Program had unfairly stopped collecting child maintenance for her son even though he was attending college full-time. Justine said that she provided Family Maintenance with a letter from her son's college confirming his full-time attendance. She told us that she talked to her enforcement officer, but she was told that Family Maintenance would not reconsider its decision to cease collecting maintenance.

From the information provided by Justine, it was unclear whether Family Maintenance had provided her with sufficient reasons for the decision to cease maintenance collection. We notified Family Maintenance that we were investigating to determine if the reasons for its actions were adequate and appropriately conveyed to Justine. We obtained additional information and records from Family Maintenance and concluded that it appeared that Family Maintenance may have discontinued collection of child maintenance prematurely.

We suggested to Family Maintenance that it review the process followed in Justine's case given our assessment. As a result, Family Maintenance agreed that it should not have discontinued maintenance during the period in question and reinstated enforcement of Justine's maintenance for the appropriate time frame and sent a letter to Justine apologizing for their error. Justine was relieved that she would receive the maintenance that she and her son needed.

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Getting the help to where it's needed

MINISTRY OF SOCIAL DEVELOPMENT
Vancouver Island / Sunshine Coast

Peter received disability assistance from the Ministry of Social Development. He contacted us after he noticed that his cheque was less than usual. Peter explained that he had notified the ministry several weeks earlier that he was moving and asked it to discontinue sending funds to his former landlord for his rent. He said the ministry assured him that he had contacted them in plenty of time to make the change.

However, after receiving a reduced cheque, he learned that the ministry had not made the change he requested. He told us that the ministry informed him that it had sent a rent cheque to his former landlord. He said that the ministry told him to contact the former landlord and ask for the funds to be reimbursed. Peter contacted his landlord but the landlord refused to cooperate. Peter complained to our office that the ministry turned down his request to replace the funds that had been sent to his former landlord, which amounted to over $300. Peter was paying rent to his current landlord out of what remained of his cheque, leaving him with very little money for food.

We contacted a ministry supervisor about its response to Peter's request. In response to our investigation, the ministry determined that its records confirmed that due to an error on its part, the payment to the former landlord was not deleted from the file and therefore a portion of Peter's assistance for support had been sent to the landlord as rent. We suggested the ministry should consider providing a cheque to Peter for the amount it had erroneously deducted from his benefits. The ministry agreed. Peter was satisfied with this outcome.

That stinks: When gas payments don't add up

MINISTRY OF SOCIAL DEVELOPMENT

The Lower Mainland

Marshall was receiving disability assistance from the Ministry of Social Development, which included a monthly allowance to help him pay for his shelter costs. Marshall found out that the ministry had not given him the correct shelter allowance over a six-month period. When determining the amount of shelter allowance a client may receive, the ministry considers the client's costs for shelter, including rent and household utilities like hydro and natural gas for heating. Marshall realised that the ministry was not including his costs for hydro and gas when it calculated his shelter costs. As a result, Marshall was not getting the full amount of shelter allowance that he was entitled to receive.

Marshall asked the ministry for the shelter allowance he should have received if the ministry had considered his hydro and gas costs. The ministry agreed to give Marshall some additional money, but not the full amount he believed the ministry owed him. Marshall applied for reconsideration of the ministry's decision and then appealed that decision to the Employment and Assistance Appeal Tribunal. The tribunal decided in Marshall's favour. Marshall still had concerns, though, because the tribunal's decision did not fully address his costs for natural gas. Marshall decided to call our office.

We reviewed the tribunal's decision. The decision referred to four separate payments made to Marshall's household gas account during the six-month period. The tribunal's decision, however, did not refer to any evidence that indicated whether those payments were made by the ministry or by someone else.

We investigated whether the ministry followed a fair and reasonable procedure in determining Marshall's utility costs for household gas during the six-month period. When we contacted the ministry, it confirmed that it issued the full amount of shelter allowance to Marshall for the first month of the period in question. We determined that the ministry paid three out of the four payments to Marshall's household gas account over the next five months. The ministry records, however, confirmed that it did not make one of those payments of $100.

We asked the ministry whether it would consider compensating Marshall for that $100 payment. The ministry agreed to and issued a payment to Marshall in the amount of $100.

Adding the numbers correctly

MINISTRY OF SOCIAL DEVELOPMENT

The Lower Mainland

Martina contacted us with a complaint about the Ministry of Social Development. She had received hardship assistance while waiting for Employment Insurance benefits to begin. The benefits were repayable. Martina signed an authorization for repayment of her hardship assistance to be deducted directly from her Employment Insurance benefits. The ministry deducted more than the amount Martina expected, leaving her with insufficient income. Martina said she knew she had to repay the ministry for the hardship assistance she received, but was concerned that the ministry was exceeding the correct amount from her Employment Insurance benefits.

Martina had contacted Service Canada to ask whether the amount being deducted from her Employment Insurance cheques was correct, but Service Canada told her that such inquiries must be made to the ministry. Martina contacted her local ministry office, but was told by the supervisor it could not respond because Employment Insurance was a federal program.

We investigated whether the ministry followed a fair procedure in responding to Martina's questions about the amount that was being deducted from her Employment Insurance cheques. We reviewed ministry policy which stated that staff could contact the ministry's Financial and Administrative Services Branch and request a review of an Employment Insurance Assignment of Benefits if a person thinks the amount deducted is incorrect. When we initially contacted the supervisor of the local office we confirmed that the supervisor was unaware of the policy. The supervisor still had the view that because Employment Insurance was a federal program, the ministry should not review the matter.

We contacted the ministry's Financial and Administrative Services Branch directly. The ministry sets a Minimum Living Allowance in calculating the amount that is deducted from a person's Employment Insurance cheque to repay the ministry. The Branch confirmed that it cannot directly change the amount that is deducted from the Employment Insurance cheques, but it can conduct a review to ensure that Service Canada has not exceeded the correct amount to be deducted.

We proposed that the ministry review Martina's file to ensure that Service Canada deducted the correct amount from her Employment Insurance cheques. The ministry agreed and determined that the correct amount had been deducted. The ministry contacted Martina and explained the results of its review.

As we were concerned about the information given to Martina when she contacted her local office, we consulted further with the ministry to ensure that local offices had accurate information for requests such as the one posed by Martina. The ministry contacted the supervisor of the local office to explain the ministry's policy on reviews of Employment Insurance Assignments of Benefits and committed to providing additional training on the Financial and Administrative Services Branch's review process.

Error fixed over unpaid bills

MINISTRY OF SOCIAL DEVELOPMENT

The North

Alex complained that the ministry had not paid an oil bill and a hydro bill that he understood the ministry had agreed to pay. He said that at the time the ministry agreed to pay for the oil, he was in a dispute with his siblings over the ownership of the house that he was living in. After the oil was delivered, but before the ministry paid the final bill, he lost a court battle over the ownership of the house. The outstanding hydro bill was for the period of time that he was still living in the house. Alex told us that the ministry then refused to pay the outstanding utility bills because he no longer owned the house.

It was unclear how the ministry reached its decision not to pay the utility bills. We investigated whether the ministry followed a reasonable procedure in response to Alex's request to have the bills paid. We asked the ministry for an explanation as to what it considered in refusing to pay the utility bills. In response, the ministry confirmed that it appeared to have made an error. The ministry agreed that Alex had ordered the oil relying on the ministry's assurance to cover the cost and that the hydro bill was from a period where he was still in the house. As a result of our investigation, the ministry agreed to reopen Alex's file and to pay the utility bills. We considered the ministry's actions to settle the complaint.

Local Government

When bylaws work for you

CITY OF DAWSON CREEK

The North

Lee contacted us after learning about the cost and obstacles he had to overcome if he wanted to connect his commercial building to the city's water main. Lee bought the property in 2006 and explained that he had spent 15,000 hours of his time and almost all of his savings on restoring the building. When he was ready to connect his water line, he called the city. City employees came to his property, turned a valve, but no water came out. At that time, Lee learned that when the city replaced and relocated its main water main in 2001, it didn't reconnect his property's water service line to the new water main. Doing so now would require digging up the street and would have to be done at Lee's expense. The cost would be considerable.

Lee understood the water service lines for other properties on the street had been connected by the city at the city's expense in 2001 and he believed his property should have been dealt with in the same way. He tried to persuade the city to pay the cost of connecting his water service line, but without success.

We had questions about some of the city's reasons for not connecting Lee's water service line at the time the water main was replaced. We also had questions about the application of the city's Water and Sewer Connecting Lines Bylaw. In response to our investigation, the city acknowledged its decision not to reconnect the water service in 2001 may not have been supported by policy or bylaw. As a result, the city confirmed that it would contact Lee and make arrangements to re-establish the water connection to the property at the city's expense. Lee was pleased with this outcome. We appreciated the city's willingness to reconsider this matter and work towards a resolution that was fair to all concerned.

In response to our investigation, the city acknowledged its decision not to reconnect the water service in 2001 may not have been supported by policy or bylaw. As a result, the city confirmed that it would contact Lee and make arrangements to re-establish the water connection to the property at the city's expense.

Improving the information flow

NORTH CEDAR IMPROVEMENT DISTRICT

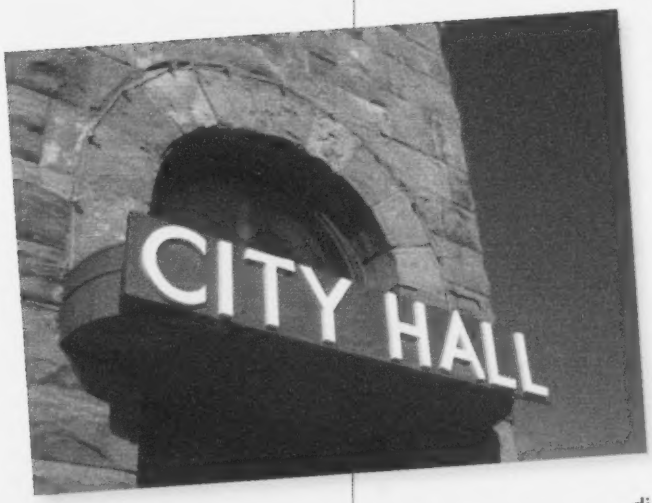
Vancouver Island / Sunshine Coast

Harvey spent a number of years trying to subdivide his property into five lots. At the start of the process, the improvement district granted preliminary approval to his subdivision application. When Harvey approached the improvement district several years later to have the new lots connected to its water system, he was told that water could not be supplied because there was a water shortage. Harvey thought that his lots should be connected because he had been given preliminary approval before the shortage occurred.

We investigated whether the improvement district followed a reasonable process in responding to Harvey's request for additional water connections. Although we determined that the improvement district acted reasonably in informing Harvey that water could not be supplied to the new lots in the face of the water shortage, we questioned whether it provided enough information at the outset to allow Harvey to understand the connection process and the effect of preliminary approval.

The improvement district provided information about the connection and subdivision process to Harvey by giving him an information sheet at the time it granted preliminary approval. The information sheet set out some water connection requirements, but did not state that future connections were subject to the availability of water or clarify that preliminary approval was not a guarantee that future connections would be provided.

We proposed that the improvement district amend the information sheet that it provides to subdivision applicants at the preliminary approval stage to include a statement indicating that preliminary approval is not a guarantee that water will be provided and that the provision of water is subject to availability at the time that lots are ready to be connected. The improvement district agreed and amended the information sheet so that future applicants would know at the outset that water was not a guarantee.



Fines refunded

CITY OF KELOWNA

The Interior

Nara contacted us after she received fines from the city of Kelowna totalling $1,000 for noise infractions. She complained about the procedure used by the city to enforce its noise bylaw.

Nara had received a letter from the city advising her that she was using her business contrary to the terms of her home-based business licence. Nara ran a home-based business out of an office in her home. She conducted her business by telephone. Her husband had a welding shop in their garage with a large portable diesel welder. Noise from the welding equipment was disturbing the neighbours. The letter from the city requested that Nara stop conducting any business activity from her residence other than the business for which she was approved involving her office and telephone use.

A few days later Nara received another letter from the city stating that neighbours were being disturbed by noise and diesel smell caused by the welding and associated work being performed in the garage on her property. She also received two bylaw offence notices with a fine of $1,000 for noise infractions that allegedly occurred on two occasions. Nara contended that her husband was using his shop garage for personal and not business use.

Nara learned that her neighbours had made several noise complaints about four months earlier but the city had not brought those concerns to her attention. Nara thought the bylaw officer should have contacted her by phone or in person to discuss the noise problem and work with her to seek an amicable solution before undertaking enforcement action.

Nara said she attended an adjudication hearing to dispute the bylaw offence notices. Nara said the hearing lasted only a few minutes and the adjudicator simply announced that he had determined that the infraction had occurred and that she was required to pay the full penalty plus the adjudication fee. Nara said she was not given an opportunity to present her case or dispute the information from the city.

We investigated the process followed by the city in enforcing its noise bylaw. We contacted the city and had several discussions about the process. We asked for copies of the city's policy outlining how it investigates bylaw complaints and the steps it normally takes to enforce a bylaw. We sought clarification on whether the city typically visits a property first to corroborate the evidence from a person making the complaint before taking formal enforcement measures. We also requested information on the independent bylaw adjudication process.

The city informed us that it participates with eight other municipalities in providing a bylaw adjudication system which allows local governments to manage most bylaw violations at the local level rather than through the provincial court system. We also determined that the city did not have its own policy with respect to the adjudication hearing process.

The city confirmed that it did not have any documentation or information to demonstrate that Nara was provided an opportunity to be heard in response to the fine. As a result of consultation, the city offered to review Nara's situation. The city agreed to refund the $1,000 fine, the $25 adjudication fee and wrote Nara a sincere apology. Nara thanked the Ombudsperson staff for helping her and we considered the city's response to settle the matter.

The city agreed to refund the $1,000 fine, the $25 adjudication fee and wrote Nara a sincere apology.

CASE SUMMARIES

Seniors

My wife needs a dentist

PENSION CORPORATION

The Lower Mainland

Soren was retired and contacted us with a complaint about the Pension Corporation. He said that he was misled about his entitlement to dental benefits for his wife and daughter. Soren told us that after contacting the Pension Corporation he was under the impression that he could enrol his daughter as a beneficiary for dental benefits while she was in university, and then later substitute his wife for dental benefits. When his daughter finished school, Soren contacted the Pension Corporation to request that his wife be added in place of his daughter. The Pension Corporation said this was not an option and as a result, Soren's wife was without dental coverage.

We investigated whether the Pension Corporation had provided adequate information about the rules pertaining to the dental benefits. We reviewed the information available to pension members and Soren's pension file. We determined that Soren had not been given the information necessary to make a decision specific to his circumstances. As a result of our investigation, the Pension Corporation agreed to reconsider the decision based on the information now available and it reached a new decision allowing Soren's wife to be enrolled under his dental coverage.

Grandparent gets help for providing care

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

The Interior

Ruby told us that the Ministry of Children and Family Development asked her if she would look after her teenaged grandson, Brent, due to a breakdown in the family home. Ruby agreed and said that she asked the ministry for financial help to support her in caring for Brent. She told us that the ministry gave her $100 for that month for groceries. Ruby explained that her costs for feeding and supporting Brent that month were much greater than $100.

The following month the ministry and Brent signed a Youth Agreement which allows the ministry to support a youth to work toward independence and includes provisions for financial, employment and educational support. Brent's Youth Agreement specified that Ruby would receive $550 each month for room and board for Brent. When Ruby asked the ministry to pay her the balance of the $550 for the previous month, the ministry told her that it could not pay her because the Youth Agreement was not in effect at the time. Ruby didn't think that was fair and noted that she did not have any control over the ministry's process for completing a Youth Agreement.

From the information provided by Ruby, it was unclear whether the ministry had given full consideration to whether it had the discretion to issue funds to Ruby in the previous month. The absence of a Youth Agreement did not appear to prohibit the ministry from providing her with funding above the $100 it had already provided.

"I want to thank you again for your help with my complaint.... Your help was such a relief, and my wife and I are very grateful."

From a thank you letter sent to us in 2012/13

We investigated whether the ministry had responded reasonably to Ruby's request for more funding to care for Brent in the month prior to the implementation of Brent's Youth Agreement. We obtained additional information and records from the ministry, and concluded that the ministry may not have given full consideration to whether Ruby should have received more financial help to care for Brent in that first month.

We suggested that the ministry review the process followed in Ruby's case. As a result of its review, the ministry agreed that Ruby should have received more financial help during the first month. The ministry sent Ruby a letter of apology confirming that Ruby should have received full room and board during the first month that Brent was with her, along with a cheque for $450. We considered this complaint to be resolved and closed our file.

"Many sincere thanks for the courageous work you're doing on behalf of B.C.'s retired population. Cheers from a grateful old person!"

From an anonymous thank you letter sent to us in 2012/2013

CASE SUMMARIES

Work and Business

Response to all

MINISTRY OF EDUCATION

Out of Province

Julie was a teacher who was spending the year out of the country and had paid a $60 annual fee to the BC College of Teachers to maintain her non-practicing status for one calendar year. Julie said she received a letter from the College advising her that the non-practicing status no longer existed under new regulations. The provincial government dissolved the College and replaced it with the Teacher Regulation Branch, a new regulatory authority for teachers in the Ministry of Education. Julie did not pursue the offer to pay an additional fee as a practicing teacher. She raised a concern with our office when her non-practicing status was revoked six months after she paid her annual fee and the Branch cancelled her teaching certificate. She believed it was unfair that she had paid a fee for professional certification for one year only to have that status revoked halfway through the year.

We investigated whether it was fair for the ministry to keep the full amount of the annual fee Julie had paid for non-practicing status when the College was replaced with the new regulatory authority and the non-practicing status was eliminated six months after Julie paid the annual fee. We also questioned how the ministry had responded to other non-practicing teachers in a similar situation.

In response to our investigation, the ministry agreed to refund half the annual fee, not just to Julie, but to all 1,302 non-practicing teachers whose certificates were cancelled halfway through the year. We considered the ministry's response to be a fair and reasonable remedy to settle the matter.

In response to our investigation, the ministry agreed to refund half the annual fee, not just to Julie, but to all 1,302 non-practicing teachers whose certificates were cancelled halfway through the year.

You make all the decisions and I have to pay?

MINISTRY OF ENVIRONMENT

The Interior

Lukas owned investment property in another town. Without his knowledge, the property became a contaminated site after someone dumped a significant amount of illicit drug lab waste on it. The RCMP were alerted and immediately notified the Ministry of the Environment. The ministry took emergency action under the *Environmental Management Act* to contain and clean up the waste as it was a serious threat to public safety and the environment.

It was several weeks before the ministry notified Lukas about the spill. When the ministry contacted him by phone and letter, it told him that he would be responsible for all costs associated with the clean-up so far and for the final clean-up being arranged by the ministry. Lukas thought it was unfair that he be held responsible when he was not aware of the event. He was concerned about paying for the clean-up when he was not notified right away, did not have a choice of remediation companies, and could not afford the costs.

We investigated whether the ministry provided adequate and appropriate reasons for its decision to contain and clean up the property and charge Lukas for its remediation costs. In response to our investigation, the ministry reconsidered the

situation and decided not to pursue the emergency costs it had already incurred. The ministry wrote to Lukas to explain its new decision and informed him that he would be responsible for any future long-term remediation on the property. The letter also provided information about the applicable legislation and policy.

Being heard

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS
The North

A group of guide outfitters contacted us with concerns about the fairness of the process followed by the Ministry of Forests, Lands and Natural Resource Operations in developing a new Harvest Allocation Policy and Procedure. They believed that they were not adequately consulted before the ministry decided to change how it made allocation decisions across the province. The guide outfitters said that they needed to know their long-term quota allocations so that they could effectively manage their business.

The ministry had appointed a task group representing the perspective of guided hunters, resident hunters, trappers and the ministry to develop the 2007 Harvest Allocation Policy. Independent guide outfitters and members of the general public were not represented by the task group.

We investigated to determine how the ministry ensured independent guide outfitters and the public had adequate notice, information and opportunity to make submissions to the ministry directly prior to implementation of the new Harvest Allocation Policy and Procedure. Throughout the consultation process initiated in 2007, the ministry posted minutes on the website for every session about the process. The ministry held meetings with a range of interested parties about the issue throughout the province. Staff met with non-affiliated guide outfitters. In addition to the feedback received from the organizations who had participated in the task force, the ministry discussed the policy and received feedback from two other non-affiliated groups.

In February 2011, the ministry commissioned a report in response to concerns about the new allocation policy. The report, by a former deputy minister, made a number of recommendations to address what was seen as a lack of flexibility in the new policy. The ministry provided the report to the organizations in the task group and then considered their responses to the ministry recommendations which resulted in the new policy.

In December 2012, the ministry issued an information bulletin on the release of the implementation plan for the Harvest Allocation Policy. In order to ensure that affected parties were informed of the final implementation plan for the Harvest Allocation Policy, the ministry wrote to all major stakeholder groups as well as to unaffiliated guide outfitters with contact information if the recipient had questions or comments. The ministry agreed to post information on its website and solicit feedback for the 2014 review of the policy through its newly established Angling, Hunting, and Trapping Engagement Website.

We were satisfied that the parties had the opportunity to express their views and we were satisfied that in the future, the actions taken by the ministry would ensure that all interested parties would have the opportunity to express their views regarding future allocation policies.

Why won't someone acknowledge my concern?

WORKSAFEBC

Vancouver Island / Sunshine Coast

Barb contacted us with a complaint about WorkSafeBC. As part of her vocational rehabilitation plan, she had spent several months training for a new job. Upon completion of her training, she attempted to contact the employer and her vocational rehabilitation consultant to confirm that her training was complete and that she was ready to start work with her new employer.

More than a month passed before Barb finally succeeded in reaching her vocational rehabilitation consultant, who proceeded to inform her that she would no longer be assisting Barb as she had recently accepted a position with the same employer for which Barb had been training. Barb was subsequently advised by her potential employer that the position she had applied for had been filled. Barb became concerned that her vocational rehabilitation consultant had taken the job for which she had been training.

Barb complained to WorkSafeBC that she believed that it was inappropriate for the consultant to have been seeking a position with the same employer for whom she had been training, and that she believed that her consultant had been hired to fill the position for which she had trained. Barb told us that, while she had discussions with WorkSafeBC which addressed the fact that the employment for which she had trained was no longer available, these did not address the question of the consultant's conduct.

We investigated whether WorkSafeBC's response to Barb's concerns was adequate. WorkSafeBC indicated that while it was unable to establish that the consultant had in fact taken Barb's job, the consultant should not have been working on Barb's claim while actively seeking employment with the same employer.

We thought it was important WorkSafeBC convey this information to Barb to explicitly address the actions of its employee and the confusion and upset which the employee's actions had caused her. WorkSafeBC agreed and provided us with a copy of the letter it wrote Barb.

Barb confirmed that she had received a letter from WorkSafeBC acknowledging that the consultant's actions were not appropriate along with an apology for the upset this had caused her. Barb told us that she appreciated that WorkSafeBC had finally acknowledged her concerns.

Frozen bank account

MINISTRY OF FINANCE

Vancouver Island / Sunshine Coast

Tara called us when she found out her bank account had been frozen and her paycheque was going to be taken by the Ministry of Finance in collection of a debt. Tara told us that she had spoken to a collection officer working on behalf of the Ministry of Finance the previous month who requested financial information. Tara said that she gave the collection officer everything requested. She was distressed when two weeks later, she received a Demand Notice

and her bank account was frozen. Tara's paycheque was scheduled to be deposited automatically the next day. She was concerned about the ministry taking her entire paycheque as she had four children to support.

We called the ministry the same day Tara called us to investigate whether the ministry's process had been fair and reasonable. Tara told us that she did not receive notice of the collection action and she was under the impression that a payment plan would be negotiated. Our discussion with ministry staff led us to conclude there seemed to have been a communication breakdown. Ministry staff said they were concerned about Tara's financial disclosure and that she offered a low amount for repayment. Tara told us that she was willing to negotiate the payment amount and cooperate with the ministry to work out a solution.

After discussing the matter further, the ministry offered to release the freeze on Tara's account the same day so she wouldn't lose her paycheque. Ministry staff said that they were willing to release her account for 21 days to give Tara the opportunity to negotiate an acceptable payment plan. We arranged for the department manager and Tara to meet so that Tara could work out the terms directly with the ministry. Tara thanked us for our help and we closed our file as resolved.

Don't give me a run around, just answer my questions

WORKSAFEBC

The Lower Mainland

Magda called us out of frustration hoping we could help her to obtain some answers from WorkSafeBC. Magda said she had a chronic work-related disability and had been dealing with WorkSafeBC's Medical Review Panel. She said the Panel initially denied her claim. Recently, Magda wondered whether her claim could be reopened so she wrote a letter to the Medical Review Panel with some questions and a request to reopen her claim. After a reasonable period of time, Magda said she did not receive a response from WorkSafeBC so she followed up with a WorkSafeBC staff by telephone. The WorkSafeBC staff told Magda that the Medical Review Panel Department no longer exists. The staff told Magda that her letter was sent to the Workers Compensation Appeal Tribunal. Magda called the Tribunal and was informed that it is not the role of the Tribunal to answer her questions or respond to her letter. The Tribunal referred her back to WorkSafeBC. Magda said she felt like she was going around in circles and no one has responded to the issues she raised in her letter.

We investigated whether WorkSafeBC followed a fair and reasonable process with regard to Magda's letter. We reviewed the correspondence that Magda had sent WorkSafeBC and asked WorkSafeBC for its communications with Magda, including notes of any telephone conversations staff might have had. WorkSafeBC acknowledged that it had not responded to Magda and that no one answered the issues she raised in her letter. There was some confusion as to who should reply since the Medical Review Panel Department no longer existed. After we consulted with a WorkSafeBC staff member, he agreed to provide Magda with a response to her letter and wrote to Magda, adequately addressing the issues she had raised. WorkSafeBC also apologized to Magda and explained why WorkSafeBC had not responded sooner. We were satisfied that the letter from WorkSafeBC was a fair and reasonable response to Magda.

CASE SUMMARIES

Other

You missed my point!

THE LAW SOCIETY OF BRITISH COLUMBIA

The Lower Mainland

Reggie complained that the Law Society of British Columbia misconstrued and therefore didn't adequately address concerns that he raised about his former lawyer's conduct. Reggie told us that his central complaint to the Law Society was that his lawyer did not properly withdraw from his case. He said that the Law Society dealt with the matter as a fee issue and did not properly address his lawyer's refusal to withdraw from his case.

We investigated whether the Law Society followed a reasonable process in dismissing the complaint. We reviewed the records on the Law Society's file and noted that on his initial complaint form, in subsequent e-mails and in a telephone discussion with the Law Society, Reggie raised his concerns about the lawyer's withdrawal from his case. The documents we reviewed also indicated that the Law Society considered the withdrawal aspect of Reggie's complaint, but it did not inform Reggie or share its assessment of the issue with Reggie.

To resolve the matter, we proposed the Law Society provide Reggie with another letter that responded to his complaint about the lawyer's refusal to withdraw. The Law Society agreed and did so.

It didn't need to be so complicated

VITAL STATISTICS AGENCY, MINISTRY OF HEALTH

The Lower Mainland

Bayani contacted us after his attempts to resolve a simple matter were unsuccessful. Bayani had submitted a wills notice to the Vital Statistics Agency in 2005. The location of the will was abbreviated on Bayani's Wills Notice form and what was intended as a street in a British Columbia city was recorded by the Vital Statistics Agency as a town, based on the street name, in the USA. Bayani did not notice the error until April 2012 at which time he wrote a letter to the Vital Statistics Agency requesting correction of the agency's records.

Bayani received a brief letter in response stating that the information received by the Vital Statistics Agency was recorded correctly. Bayani conceded that the information he provided in 2005 was not the clearest, but he pointed out that the agency's interpretation was not a reasonable one. When he did not receive a reply, he wrote again. Receiving no further response, he begrudgingly completed a new Wills Notice form and enclosed the required fee for the correction of the error. He contacted us several months after writing the last letter because he felt that he should have had a response to the concerns he raised.

We wanted to ensure that the process followed by the agency was fair and reasonable. When we notified the agency of our investigation, staff responded quickly. The agency wrote to Bayani acknowledging that the record should have been updated without charge when he drew the error to the agency's attention, confirming that the record had now been updated and returning the fee that Bayani had paid. We considered the matter settled and closed our file.

When we notified the agency of our investigation, staff responded quickly. The agency wrote to Bayani acknowledging that the record should have been updated without charge when he drew the error to the agency's attention, confirming that the record had now been updated and returning the fee that Bayani had paid.

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SYSTEMIC INVESTIGATIONS

Overview

In addition to investigating complaints, the Ombudsperson has authority to initiate investigations. The Ombudsperson uses this authority to consider issues from a broad systemic perspective. A systemic investigation is an investigation initiated by the Ombudsperson that is likely to result in findings and recommendations and a published Ombudsperson report.

Since its creation in 2007, the Systemic Investigation Team has completed eight major systemic investigations and has made hundreds of recommendations aimed at improving administrative processes and ensuring that a broad range of people in British Columbia are treated fairly. As a result of its work, the B.C. Ombudsperson Systemic Team has built a reputation as a leader in conducting systemic investigations with a small team and was asked by the Forum of Canadian Ombudsman, the largest professional association for Ombudsman offices in Canada, to develop and deliver a training program on systemic investigations for small offices. The Systemic Investigation Team monitors the implementation of recommendations made and includes status updates in the Ombudsperson's annual reports and on the office's website.

Systemic Investigations for Smaller Offices presentation to Canadian Taxpayers Ombudsman in Ottawa

Systemic Investigation Completed in 2012/2013

Implementation of Recommendations in Public Report No. 49, No Longer Your Decision: British Columbia's Process for Appointing the Public Guardian and Trustee to Manage the Financial Affairs of Incapable Adults

On February 6, 2013, the Ombudsperson released Public Report No. 49, *No Longer Your Decision: British Columbia's Process for Appointing the Public Guardian and Trustee to Manage the Financial Affairs of Incapable Adults*. This report examined the process for issuing certificates of incapability that result in the Public Guardian and Trustee of British Columbia assuming control over an adult's financial and legal decision making. The investigation found that the process did not meet the requirements of fairness and reasonableness in a number of respects.

The investigation resulted in 21 findings and 28 recommendations which focused on improving practices followed by the Public Guardian and Trustee and the six health authorities, establishing provincial training for staff, and creating legally binding minimum requirements. The health authorities accepted all five of the recommendations made to them. The Office of the Public Guardian and Trustee accepted five of the seven recommendations made to it in full and one in part. The Ministry of Health accepted both of the recommendations made to it. The Ministry of Justice accepted 12 of the 14 recommendations made to it that were directed toward regulatory and legislative changes.

"What a great report your office issued yesterday. Finally, my clients are being heard."

Lloyd Duhaime
Barrister & Solicitor

Since the report was released, the Ministry of Justice has taken some steps to implement some of the recommendations. Through orders-in-council, sections of the *Adult Guardianship and Planning Statutes Amendment Act, 2007* have been enacted. Provisions that amend the powers of the Public Guardian and Trustee to protect assets in urgent cases came into effect immediately (Recommendation 2). Additional provisions of the *Adult Guardianship and Planning Statutes Amendment Act, 2007* will take effect on June 30, 2014. These provisions include:

- Standardizing the criteria for deciding when a certificate of incapability is issued (Recommendation 16).
- Requiring guardians, where reasonable, to encourage the adult's involvement in decision making that affects the adult (Recommendation 28).

Systemic Investigations Completed in 2011/2012

Public Report No. 47 – The Best of Care: Getting it Right for Seniors in British Columbia (Part 2)

On February 14, 2012, the Ombudsperson released Public Report No. 47, *The Best of Care: Getting It Right for Seniors in British Columbia (Part 2)*. This comprehensive and in-depth report makes 143 findings and 176 recommendations to the Ministry of Health and the five regional health authorities designed to improve home and community care, home support, assisted living and residential care services for seniors.

The majority of the report's recommendations were aimed at the Ministry of Health. The ministry has not yet indicated whether it has accepted these recommendations. Despite this, we asked both the ministry and the health authorities to report on the progress made in implementing the recommendations as part of our yearly monitoring and update process.

Since our 2011/2012 annual report, the authorities have made progress towards implementing the Ombudsperson's recommendations including:

- The Ministry of Health has revised the Home and Community Care Policy Manual to require health authorities to process an application for temporary rate reduction within 30 business days of the date the health authority receives complete supporting documentation (Recommendation 13).
- The Ministry of Health has amended its Home and Community Care Policy Manual to require that health authorities, when delivering services, require that staff report possible abuse and neglect (Recommendation 27).
- Northern Health enhanced the "compliments and complaints" section of its website by including information about how a member of the public can raise a concern about health or safety issues for assisted living clients (Recommendation 71).
- Information about substantiated assisted living complaints has been available through the Ministry of Health's website since September 1, 2012 (Recommendation 88) and the list of serious incidents that must be reported to the Assisted Living Registry has been expanded to include missing persons, a police call and flood causing personal injury or building damage (Recommendation 86).
- All health authorities provide online access to summary inspection reports for *Hospital Act* facilities (Recommendation 95).
- As we have previously reported, the Ministry of Health has completed its review of the use of anti-psychotic drugs in residential care facilities

"People are clearly so appreciative of the work of your office. We had an advisory committee meeting today and a number of people commented on how impressed they were with Kim's ability to maintain a balanced perspective, the clear sincerity of her commitment, and openness to working with the community. So thanks again…"

Marcy Cohen
Co-director of the Remaining Light Seniors' Project

Canadian Centre for Policy Alternatives

(Recommendation 137). Following on this review, the ministry released best practice guidelines for accommodating and managing the behavioural and psychological symptoms of dementia in residential care in October 2012. In March 2013, the ministry approved a training program that will be used as part of dementia care training to residential care providers in the province (Recommendation 145).

- The ministry released a *Provincial End-of-Life Care Action Plan for British Columbia* in March 2013 to guide planning for integrated primary and community care services, including ensuring end-of-life care choices are respected by health care providers (Recommendation 147).
- As of March 2013 the Vancouver Island Health Authority, Fraser Health Authority and Interior Health Authority are inspecting *Hospital Act* facilities using the same criteria as facilities licensed under the *Community Care and Assisted Living Act* (Recommendation 160). Fraser Health and Vancouver Island Health are conducting these inspections annually and Interior Health still is in the process of completing its first review of all sites. Both Northern Health and Vancouver Coastal Health have already implemented this recommendation.

More detailed updates on the status of our recommendations are available on our website.

Public Report No. 48 – On Short Notice: An Investigation of Vancouver Island Health Authority's Process for Closing Cowichan Lodge

On February 14, 2012, the Ombudsperson released Public Report No. 48, *On Short Notice: An Investigation of Vancouver Island Health Authority's Process for Closing Cowichan Lodge.*

The investigation was the result of 46 complaints from people in the Cowichan area who were concerned about and directly affected by Vancouver Island Health Authority's (VIHA) announced closure of a long established seniors' residential care facility in Duncan.

The Ombudsperson found that VIHA acted unfairly by not following the appropriate process in seeking to close Cowichan Lodge with less than twelve months' notice. The investigation resulted in six findings and six recommendations.

VIHA accepted and agreed to implement five of the six recommendations. Since our 2011/2012 annual report, VIHA has made progress toward meeting the recommendations, as follows:

- VIHA has developed a policy regarding permanent or temporary closures of VIHA funded and operated residential care facilities clarifying the circumstances under which a facility can seek an exemption from the twelve month notice requirement. The policy states that in such cases, all legislative and regulatory requirements must be adhered to and that consultation, engagement and ongoing communications with all affected stakeholders, including residents, family and staff, is required. A detailed engagement and communications strategy is also required (Recommendation 3a).
- VIHA's policy regarding permanent or temporary closures of VIHA funded and operated residential care facilities also highlights the legal obligation to provide twelve months' notice or seek an exemption (Recommendation 3b).

More detailed updates on the status of our recommendations are available on our website.

Special Report No. 33 – Honouring Commitments: An Investigation of Fraser Health Authority's Transfer of Seniors from Temporarily Funded Residential Care Beds

On February 14, 2012 the Ombudsperson released Special Report No. 33, *Honouring Commitments: An Investigation of Fraser Health Authority's Transfer of Seniors from Temporarily Funded Residential Care Beds*.

This investigation was the result of complaints received by the Ombudsperson after the Fraser Health Authority (FHA) reversed a written commitment that seniors at Newton Regency, a residential care facility in Surrey, would not have to move from the facility. After telling residents that they would not have to move, FHA later told seniors still living in Newton Regency that the health authority could no longer fund the beds and that they would have to move within a month and a half.

The Ombudsperson found that the FHA acted unfairly in deciding to move the residents out of temporarily funded beds in light of its prior written commitment. The investigation resulted in seven findings and nine recommendations.

Fraser Health Authority agreed to implement all of the recommendations in *Honouring Commitments*. Since our 2011/2012 annual report, FHA has made progress toward meeting the recommendations, as follows:

- FHA issued 31 letters to former residents of Newton Regency apologizing for any distress experienced as a result of FHAs decision to close the beds at Newton Regency and identifying steps FHA had taken to prevent a similar situation from recurring in the future (Recommendation 1.1).
- FHA updated its guidelines to ensure that FHA's transition practices take into account a patient's individual circumstances during any necessary transition from a temporary placement (Recommendation 3).
- FHA implemented the practice of telling operators of licensed residential care facilities in the Notice of Decision letter to ensure that all residents and families are notified of a decision to approve an exemption from notice requirements, and that residents and families are informed of their right to appeal that approval. FHA Licensing Officers verify that a copy of the Notice of Decision letter, which includes information on how to appeal the decision, is posted in a prominent place in the facility (Recommendation 5.3).

More detailed updates on the status of recommendations are available on our website.

Systemic Investigations Completed in 2009/2010

Implementation of Recommendations in Public Report No. 46: The Best of Care: Getting it Right for Seniors in British Columbia (Part 1)

In December 2009, the Ombudsperson issued *The Best of Care: Getting it Right for Seniors in British Columbia (Part 1)*, the first of two reports on the Ombudsperson's systemic investigation into the care of seniors in British Columbia. The first report included ten recommendations made to the then Ministry of Health Services and Ministry of Healthy Living and Sport in the following areas: rights for seniors in residential care; access to information about residential care; and the role of resident and family councils. The ministries fully accepted four of the recommendations and these have been implemented, as outlined in our 2010/2011 annual report.

The ministries indicated their acceptance of the intent of the other six recommendations – R1(c), R1(d), R2(a), R3(a), R3(c) and R3(d). We invited the ministry to provide us with updates on any actions taken with the intent of implementing our recommendations. Since our 2011/2012 annual report, the Ministry of Health has made progress toward meeting these recommendations, by updating the SeniorsBC website to improve navigation and increase the amount of information available, and published an updated BC Seniors' Guide in October 2012 (Recommendation 2(a)).

More detailed updates on the status of recommendations are available on our website.

Systemic Investigations Completed in 2008/2009

Implementation of Recommendations in Public Report No. 45: Last Resort: Improving Fairness and Accountability in British Columbia's Income Assistance Program

In March 2009, our office issued *Last Resort: Improving Fairness and Accountability in British Columbia's Income Assistance Program*. This report included 28 recommendations to what was then the Ministry of Housing and Social Development. The ministry accepted and agreed to implement all the recommendations, except Recommendation 23, which proposed that the ministry compensate people adversely affected by the ministry's delay in initiating a regulatory amendment that affected the dates on which appealed decisions could be implemented.

Our recommendations addressed four areas: applying for income assistance, persons with persistent multiple barriers to employment (PPMB), medical and other documentation requirements, and implementation of previous commitments.

Since our 2011/2012 annual report, the Ministry of Social Development has made progress toward meeting the recommendations, as follows:

- The ministry is currently reviewing its intake process, to identify improvement opportunities with the goal of reducing the time to complete the intake process (Recommendation 7).
- In August 2012, the ministry amended the policy and procedures on the Online Resource to broaden the number of forms which prescribed professionals and other government staff may witness. The ministry's Consent to Disclosure of Information form is now available publicly on the Online Resource so that anyone can witness this form, and the witness requirement has been removed from the Child in the Home of a Relative Screen consent form. These changes have resulted in a reduction in the number of circumstances where applicants and clients must sign forms in person (Recommendation 21(A)).

Unfortunately, this year I again have to report that the ministry has not implemented the six recommendations relating to the PPMB program it accepted and committed to implement over four years ago (Recommendations 12, 13, 14, 15, 16(A) and 16(B)). While the ministry states that it continues to review the PPMB program as a whole, it has not identified any progress in this area and neither have we.

As of March 2013, no file reviews or audits evaluating compliance with legislation and ministry policies have been scheduled (Recommendations 8 and 25).

More detailed updates on the status of recommendations are available on our website.

Implementation of Recommendations in Special Report No. 32: Fit to Drink: Challenges in Providing Safe Drinking Water in British Columbia

In June 2008, our office issued *Fit to Drink: Challenges in Providing Safe Drinking Water in British Columbia*. This report included 39 recommendations made to the five regional health authorities, the Ministry of Environment, the Office of the Provincial Health Officer, and the Ministry of Health. Each agency accepted and agreed to implement the recommendations made to them.

The recommendations addressed the following areas: dealing with questions, concerns and complaints; public advisories and notices; monitoring and enforcement; issues affecting small systems; and drinking water management initiatives.

Since our 2011/2012 annual report, the authorities have made progress toward meeting the recommendations, as follows:

- Vancouver Coastal Health Authority has developed a system to electronically record, track and generate reports about complaints about drinking water (Recommendation 1.2) and the enforcement of the requirement that local water suppliers provide annual reports to their customers and has developed and is distributing a template to operators to assist them with providing annual reports to their users (Recommendation 21).
- The Interior Health Authority has taken steps to ensure that *Drinking Water Protection Act* orders are complete and contain information about how a person subject to such an order may request reconsideration and review (Recommendation 7).
- Vancouver Island Health Authority's website now includes drinking water inspection reports and information about the length of time a boil water advisory has been in place (Recommendations 12.1, 12.2 and 24).
- Northern Health Authority has adopted policy and procedures to assist environmental health officers in notifying people with compromised or weakened immune systems of the potential health risks associated with drinking water (Recommendation 13.1).
- The Vancouver Coastal and Northern Health authorities reduced the number of boil water advisories by 36% and 32%, respectively from 2011/2012 numbers. The Fraser Health Authority reduced the number of long-term (in place longer than 18 months) boil water advisories in the Fraser region by 40% from March 2012. Vancouver Island Health Authority reduced the number of systems on boil water notices by 5% from 2012 numbers (Recommendation 16).
- The Ministry of Health released a province-wide policy on Surface Water Treatment Objectives to ensure health authorities approach treatment requirements in the same way (Recommendation 20).
- Vancouver Island Health Authority is using its inspection process to verify that all water systems have emergency response and contingency plans in place and is tracking compliance with this requirement (Recommendation 25).

- The Small Water Systems Working Group (comprised of members from the provincial ministries involved in drinking water protection and representatives from local government) has developed recommendations for addressing challenges facing small water systems. The ministry is reviewing these recommendations, which were presented at the UBCM convention in September 2012. In addition, the Ministry of Health released a simplified water systems assessment guide for small water system operators (Recommendation 33).

In the five years since this report was released, this office has monitored the progress made by the authorities in implementing the recommendations from *Fit to Drink*. This monitoring has shown that overall, the authorities have made significant steps toward implementing the recommendations they accepted. The process for dealing with concerns and complaints has been improved through the health authorities and the provincial health officer developing a clear policy on drinking water complaints and making this policy available on their respective websites. The information available to the public about drinking water safety has been improved. Up-to-date boil water advisories are posted on health authority websites, and health authorities are continuing to work toward reducing the number of systems subject to boil water advisories. Reducing the number of boil water advisories, however, has proven the most challenging area in which to achieve progress in a timely manner, particularly when health authorities have also been working to implement our recommendation to identify new water systems. This area continues to demand a strong focus in order to achieve results. In the area of enforcement, inspection reports are available to the public on health authority websites (Recommendation 12.1 and 12.2). The Ministry of Health has updated its policies on water treatment objectives (Recommendation 20).

The Ministry of Health and the health authorities have indicated they remain committed to improving drinking water safety and implementing the recommendations in *Fit to Drink*.

STATISTICS

Statistical Overview of Work and Performance

The following pages detail a statistical evaluation of our office's work and performance between April 1, 2012 and March 31, 2013.*

In fiscal 2012/2013, our office dealt with 7,431 inquiries, requests for information, assistance or complaints. The majority of contact with our office was by telephone (6,045), followed by letters (669) and web-based forms (612). There were 105 complaints and inquiries made in person.

Forty-two per cent of the files opened were from the City of Vancouver and the Lower Mainland, 24 per cent from Vancouver Island and the Sunshine Coast, 19 per cent from the interior and 9 per cent from the northern part of the province. The remaining four percent are from out of province.

Fifty-five per cent of the files opened involved complaints about provincial government ministries; 25 per cent involved complaints about provincial commissions, Boards and Crown Corporations; nine per cent involved complaints about health authorities; and seven per cent involved complaints about local government authorities. The majority of the remaining four per cent involved complaints about self-regulating professions, schools and Boards of Education.

An ombudsperson officer responding to complaints by telephone

The Ministry of Social Development, Ministry of Children and Family Development, Ministry of Justice, Workers' Compensation Board and ICBC were our five most significant authorities in 2012/2013.

Our Early Resolution Program continues to be a successful initiative. It redirected 226 files that would have previously been sent to investigation into a process that addresses and resolves problems within ten working days. A total of 1,692 individual investigative files were assigned to ombudsperson officers and they closed 1,674 files.**

Files awaiting assignment continue to be reviewed regularly and assigned as quickly as possible to an ombudsperson officer for action. On March 31, 2013 there were 75 open files on the wait list awaiting assignment.

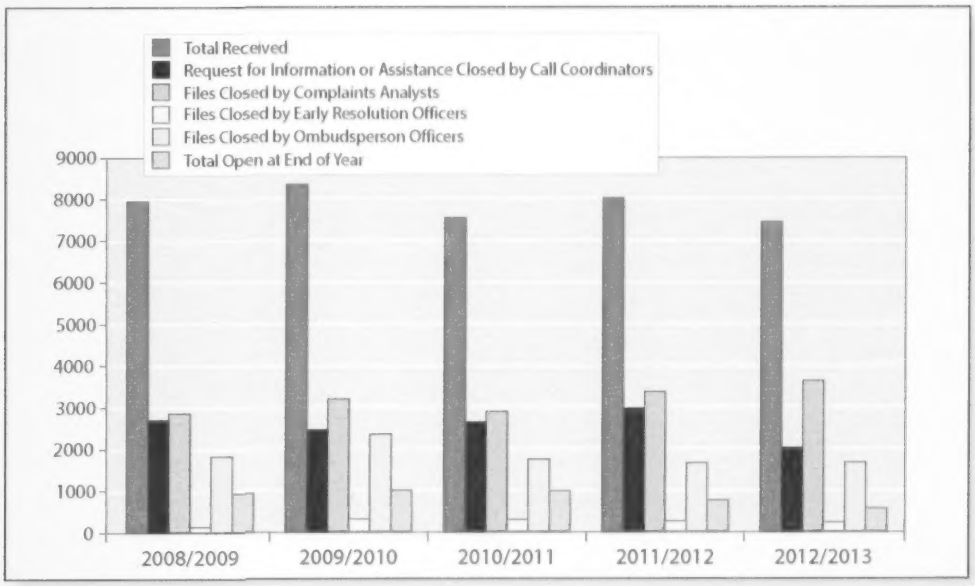
A summary of files opened and closed by authority categories is included at the end of this section. A detailed breakdown by individual authority can be found at www.bcombudsperson.ca.

* This information should be read in conjunction with our Act, strategic plan, budget and the rest of this annual report. Together these documents set out our office's mandate, plan resources and results. All of them are available on our website at www.bcombudsperson.ca.

** Closed files include files from previous years.

The data contained in the following tables and charts may occasionally vary slightly from previous reports. In such cases, the figures given in the most current report are the most accurate.

Work of the Office

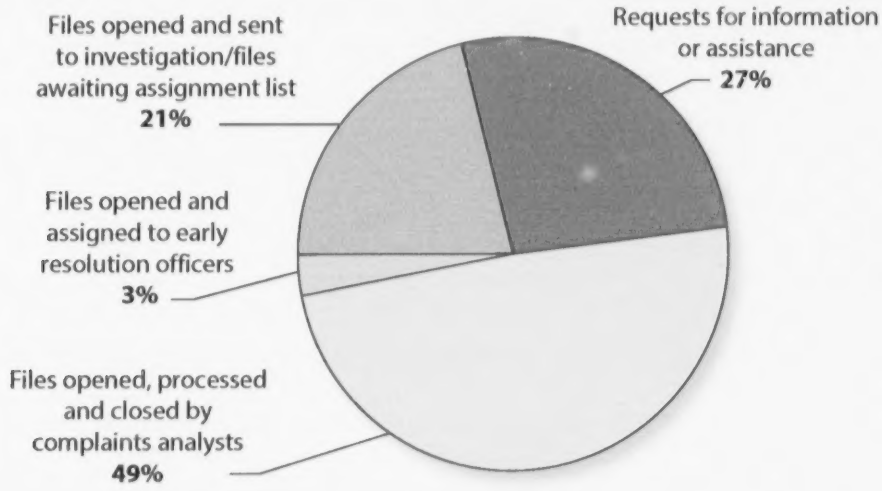


	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
Open at the Beginning of the Year					
Open Files Assigned	471	935	819	751	609
Open Files Awaiting Assignment	0	0	176	228	147
	471	**935**	**995**	**979**	**756**
Complaints and Inquiries Received					
Requests for Information or Assistance	2,698	2,453	2,629	2,964	2,020
Files Opened	5,255	5,891	4,901	5,050	5,411
	7,953	**8,344**	**7,530**	**8,014**	**7,431**
How Complaints and Inquiries Were Dealt With					
Requests for Information or Assistance Closed by Call Coordinators	2,698	2,453	2,629	2,964	2,020
Files Closed by Complaints Analysts	2,855	3,185	2,878	3,359	3,627
Files Closed by Early Resolution Officers	134	310	301	256	226*
Files Closed by Ombudsperson Officers	1,816	2,336	1,739	1,658	1,674
	7,503	**8,284**	**7,547**	**8,237**	**7,547**
Open at the End of the Year					
Open Files Assigned	935	819	751	609	567
Open Files Awaiting Assignment	0	176	228	147	75
	935	**995**	**979**	**756**	**642**

* Includes 50 Early Resolution files that were dealt with by ombudsperson officers in 2012/2013, due to staffing changes.

How We Dealt With Inquiries and Complaints in 2012/2013

Total Received: 7,431


Files opened and sent to investigation/files awaiting assignment list
21%
Requests for information or assistance
27%
Files opened and assigned to early resolution officers
3%
Files opened, processed and closed by complaints analysts
49%

Complaints and Inquiries received

669 letters
612 web forms
105 in person

6,045 phone calls

Call Coordinators
Process phone calls

Further assistance required – pass contact information to a Complaints Analyst

Call Coordinators able to answer question or make referral

Call Coordinator deals with request for information or assistance

2,020 requests for information or assistance

Complaints Analysts
Collect information and open files
5,411 files opened by complaints analysts

File not closed at intake – assigned to an Early Resolution Officer

File not closed at intake – sent to Investigation

File closed at intake (referrals, non-jurisdictional, etc.)

Complaints Analyst closes file

3,627 files closed at intake

Early Resolution Officers
Investigate complaints suitable for the early resolution process

245 files assigned to Early Resolution Officers

226* files closed by Early Resolution Officers

Files Awaiting Assignment List

147 files were waiting on the FAA list as of April 1, 2012
1,627 files were sent to the FAA list in 2012/2013 (including **17** transferred early resolution files)
75 files remained on the FAA list as of March 31, 2013

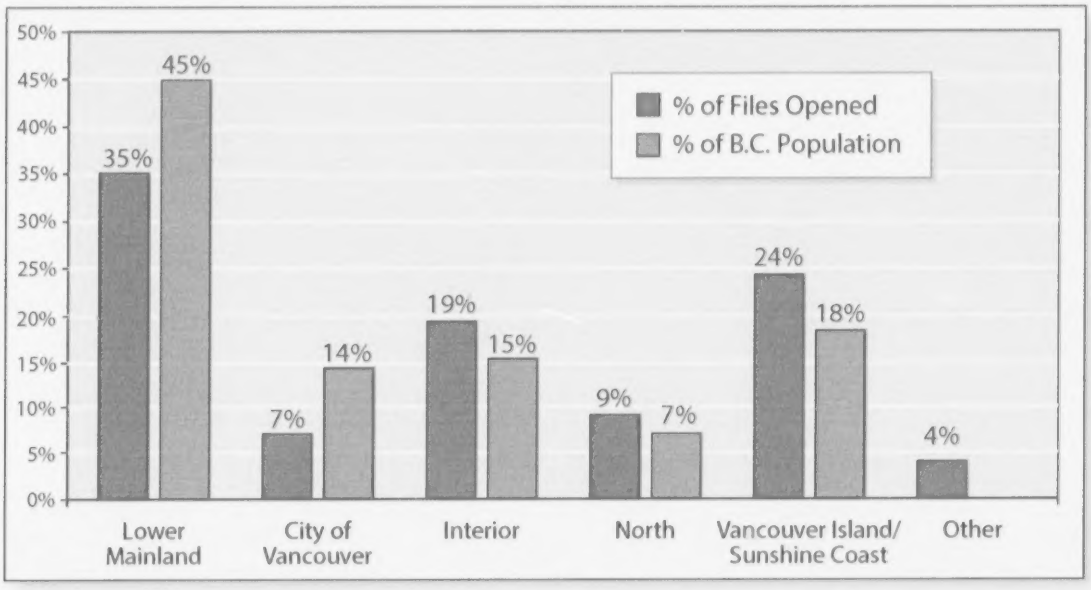
Ombudsperson Officers
Investigate Complaints

1,692 files assigned to Ombudsperson Officers

* Includes 50 Early Resolution files that were dealt with by ombudsperson officers in 2012/2013, due to staffing changes.

Files Opened – Regional Breakdown

Where Files Came From vs. Population



Regional Distribution

	Files Opened
Lower Mainland	1,919
City of Vancouver	402
Interior	1,047
North	513
Vancouver Island/Sunshine Coast	1,309
Other – In Province	49
Other – Out of Province	172
Total	**5,411**

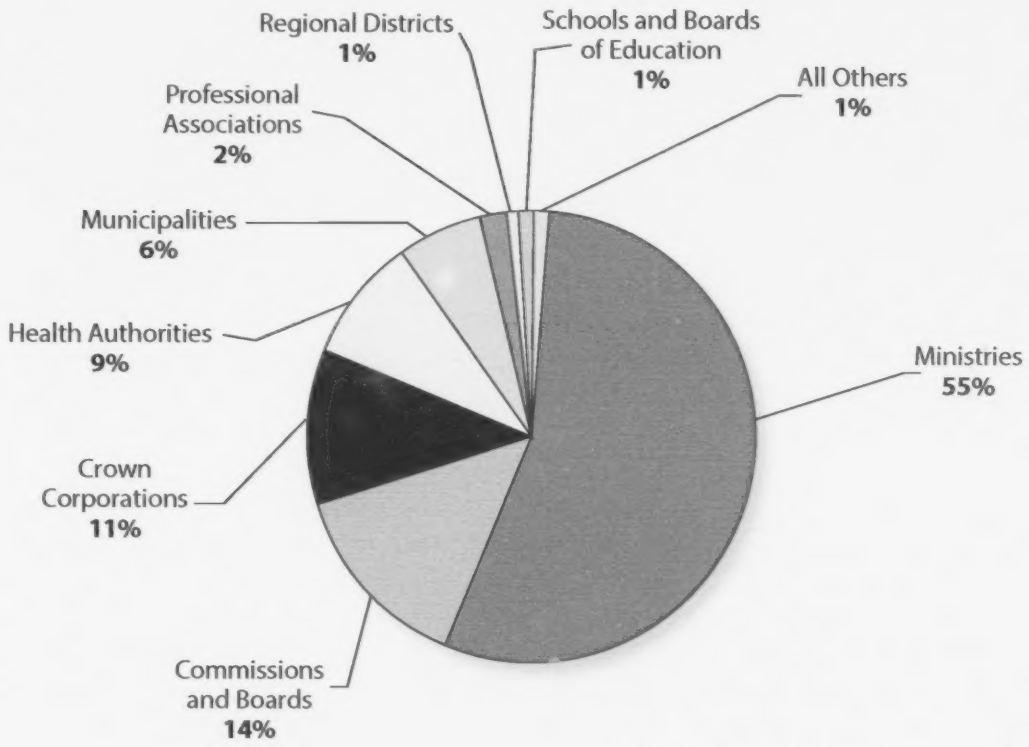
Note: "Other – In Province" are files where the complainant is without a home address or is unwilling to provide one.

Files Opened – Electoral District

#	Electoral District	Files Opened
1	Abbotsford-Mission	74
2	Abbotsford South	60
3	Abbotsford West	46
4	Alberni-Pacific Rim	70
5	Boundary-Similkameen	78
6	Burnaby-Deer Lake	32
7	Burnaby-Edmonds	50
8	Burnaby-Lougheed	32
9	Burnaby North	24
10	Cariboo-Chilcotin	49
11	Cariboo North	56
12	Chilliwack	84
13	Chilliwack-Hope	82
14	Columbia River-Revelstoke	51
15	Comox Valley	70
16	Coquitlam-Burke Mountain	27
17	Coquitlam-Maillardville	83
18	Cowichan Valley	83
19	Delta North	36
20	Delta South	15
21	Esquimalt-Royal Roads	86
22	Fort Langley-Aldergrove	58
23	Fraser-Nicola	73
24	Juan de Fuca	75
25	Kamloops-North Thompson	72
26	Kamloops-South Thompson	82
27	Kelowna-Lake Country	65
28	Kelowna-Mission	78
29	Kootenay East	54
30	Kootenay West	77
31	Langley	42
32	Maple Ridge-Mission	67
33	Maple Ridge-Pitt Meadows	110
34	Nanaimo	120
35	Nanaimo-North Cowichan	79
36	Nechako Lakes	46
37	Nelson-Creston	50
38	New Westminster	58
39	North Coast	33
40	North Island	76
41	North Vancouver-Lonsdale	43
42	North Vancouver-Seymour	28
43	Oak Bay-Gordon Head	42
44	Parksville-Qualicum	63
45	Peace River North	37
46	Peace River South	40
47	Penticton	84
48	Port Coquitlam	115
49	Port Moody-Coquitlam	27
50	Powell River-Sunshine Coast	66
51	Prince George-Mackenzie	58
52	Prince George-Valemount	133
53	Richmond Centre	19
54	Richmond East	26
55	Richmond-Steveston	23
56	Saanich North and the Islands	72
57	Saanich South	52
58	Shuswap	92
59	Skeena	34
60	Stikine	50
61	Surrey-Cloverdale	60
62	Surrey-Fleetwood	35
63	Surrey-Green Timbers	34
64	Surrey-Newton	39
65	Surrey-Panorama	58
66	Surrey-Tynehead	52
67	Surrey-Whalley	111
68	Surrey-White Rock	47
69	Vancouver-Fairview	33
70	Vancouver-False Creek	53
71	Vancouver-Fraserview	27
72	Vancouver-Hastings	53
73	Vancouver-Kensington	20
74	Vancouver-Kingsway	25
75	Vancouver-Langara	26
76	Vancouver-Mount Pleasant	75
77	Vancouver-Point Grey	23
78	Vancouver-Quilchena	10
79	Vancouver-West End	27
80	Vernon-Monashee	90
81	Victoria-Beacon Hill	155
82	Victoria-Swan Lake	116
83	West Vancouver-Capilano	24
84	West Vancouver-Sea to Sky	42
85	Westside-Kelowna	95
	Total	**4,937**

Note: These numbers do not include files involving people who live outside the province (172), or files for which we could not obtain a postal code (302).

Files Opened – Authority Distribution



Ministries (55%)		
Social Development	36%	983
Children and Family Development	23%	641
Justice	22%	591
Health	5%	135
Energy, Mines and Natural Gas	4%	115
Finance	3%	87
Forests, Lands and Natural Resource Operations	2%	51
Jobs, Tourism and Skills Training	2%	45
Transportation and Infrastructure	1%	35
Advanced Education, Innovation and Technology	1%	21
Other Ministries	1%	37

Commissions and Boards (14%)		
Workers' Compensation Board	43%	304
Public Guardian and Trustee	15%	104
BC Housing	14%	98
Workers' Compensation Appeal Tribunal	4%	29
Human Rights Tribunal	3%	19
Labour Relations Board	2%	14
BC Utilities Commission	2%	13
Consumer Protection BC	2%	12
Employment and Assistance Appeal Tribunal	2%	11
TransLink	1%	10
Other Commissions and Boards	13%	96

Crown Corporations (11%)		
ICBC	55%	296
BC Hydro and Power Authority	37%	203
Community Living BC	3%	15
BC Assessment	2%	11
BC Lottery Corporation	1%	8
Other Crown Corporations	2%	9

Health Authorities (9%)		
Vancouver Island Health Authority	26%	114
Fraser Health Authority	24%	103
Interior Health Authority	20%	86
Provincial Health Services Authority	13%	57
Vancouver Coastal Health Authority	12%	52
Northern Health Authority	5%	22

Municipalities (6%)		
City of Vancouver	8%	22
City of Surrey	7%	19
Township of Langley	5%	13
City of Kelowna	3%	9
City of New Westminster	3%	8
City of Victoria	3%	7
District of Sechelt	3%	7
Other Municipalities	69%	189

Professional Associations (2%)		
Law Society of British Columbia	42%	45
College of Physicians and Surgeons of BC	39%	41
Association of Professional Engineers and Geoscientists	4%	4
College of Registered Nurses of British Columbia	4%	4
Other Professional Associations	11%	12

Regional Districts (1%)		
Capital Regional District	17%	11
Central Kootenay	9%	6
Nanaimo	9%	6
Bulkley-Nechako	9%	6
Columbia-Shuswap	8%	5
Central Okanagan	8%	5
Other Regional Districts	39%	25

Schools and Boards of Education (1%)		
School District 40 (New Westminster)	8%	5
School District 34 (Abbotsford)	7%	4
School District 38 (Richmond)	7%	4
School District 75 (Mission)	7%	4
Other School Districts	72%	44

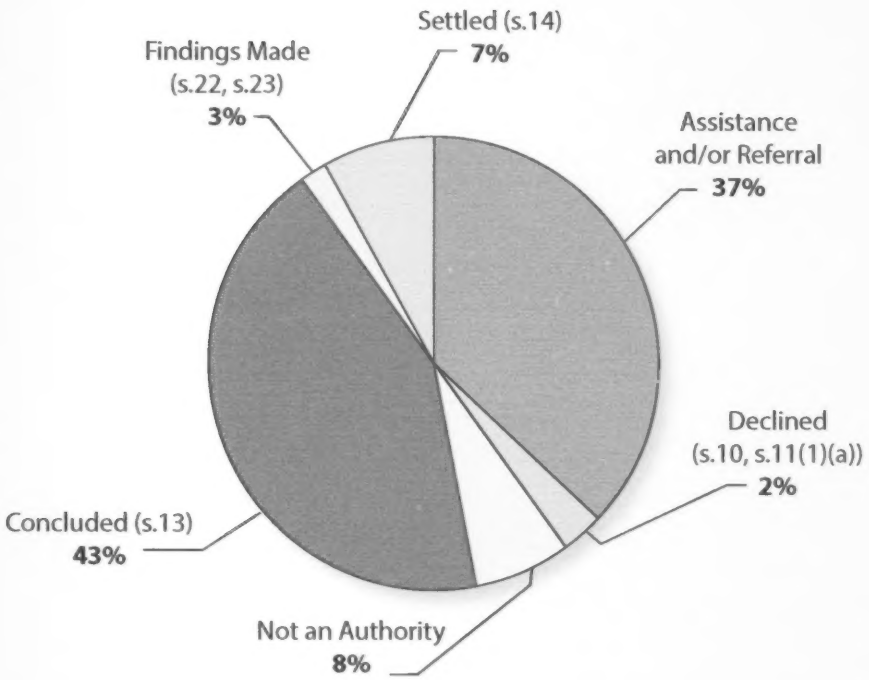
All Others (1%)		
Universities	33%	20
Colleges	32%	19
Parks Boards	17%	10
Islands Trust	10%	6
Improvement Districts	8%	5

Files Opened – Significant Authorities

		2011/2012	2012/2013
	Authority	**% of Total Jurisdictional Files Opened**	**% of Total Jurisdictional Files Opened**
1	Ministry of Social Development	18.1%	19.7%
2	Ministry of Children and Family Development	12.0%	12.8%
3	Ministry of Justice	12.4%	11.8%
4	Workers' Compensation Board	5.8%	6.1%
5	ICBC	6.0%	5.9%
6	BC Hydro and Power Authority	4.2%	4.1%
7	Ministry of Health	3.1%	2.7%
8	Ministry of Energy, Mines and Natural Gas	2.3%	2.3%
9	Vancouver Island Health Authority	1.9%	2.3%
10	Public Guardian and Trustee	2.4%	2.1%
11	Fraser Health Authority	1.4%	2.1%

Note: Ministry of Health file numbers do not include health authorities. If Ministry of Health numbers were combined with health authority numbers, the total percentage of jurisdictional files would be 11.4%.

Files Closed

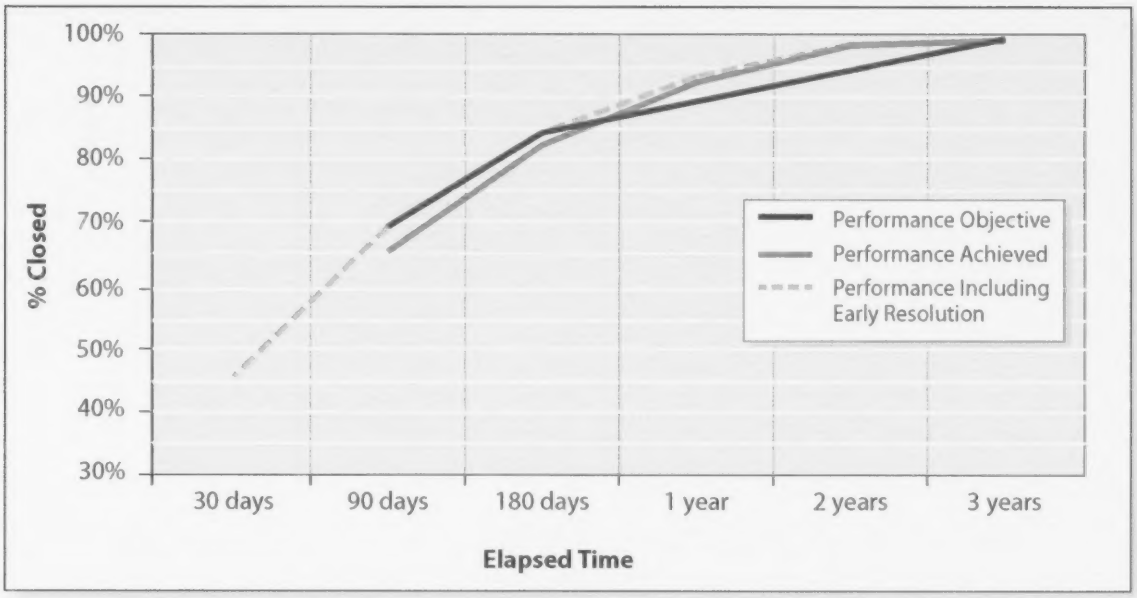


Breakdown by Closing Status

	Matters Closed
Assistance and/or Referral	2,088
Not an Authority	420
Declined (s.10, s.11(1)(a))	127
Concluded (s.13)	2,428
Settled (s.14)	379
Findings Made (s.22, s.23)	182
Total Matters Closed	**5,624**
Total Files Closed*	**5,527**

* Files closed may have one or more matters of administration identified, and each matter is closed separately. Therefore the number of matters closed during a period may be greater than the number of files closed. A file is considered closed when all of its matters of administration are closed.

Files Closed – Length of Time to Close



	2008/2009		2009/2010*		2010/2011*		2011/2012*		2012/2013*	
Closed Within 30 Days	707	40%	853	37%	639	38%	517	35%	600	37%
Including early resolution files	856	44%	1,159	45%	926	46%	773	45%	826	45%
Closed Within 90 Days	1,290	72%	1,528	67%	1,118	66%	939	64%	1,072	66%
Including early resolution files	1,439	74%	1,837	71%	1,398	70%	1,195	69%	1,298	70%
Closed Within 180 Days	1,565	88%	1,901	83%	1,411	83%	1,232	83%	1,343	83%
Including early resolution files	1,714	88%	2,210	85%	1,694	85%	1,488	86%	1,569	85%
Closed Within 1 Year	1,722	96%	2,162	95%	1,587	93%	1,403	95%	1,526	94%
Including early resolution files	1,871	97%	2,472	95%	1,885	94%	1,659	96%	1,752	95%
Closed Within 2 Years	1,777	99.4%	2,261	99.0%	1,683	98.9%	1,463	99.1%	1,605	99.3%
Including early resolution files	1,926	99.4%	2,571	99.1%	1,984	99.1%	1,719	99.2%	1,831	99.3%
Closed Within 3 Years	1,787	99.9%	2,278	99.7%	1,696	99.7%	1,474	99.8%	1,609	99.5%
Including early resolution files	1,936	99.9%	2,588	99.8%	1,997	99.8%	1,730	99.8%	1,835	99.6%

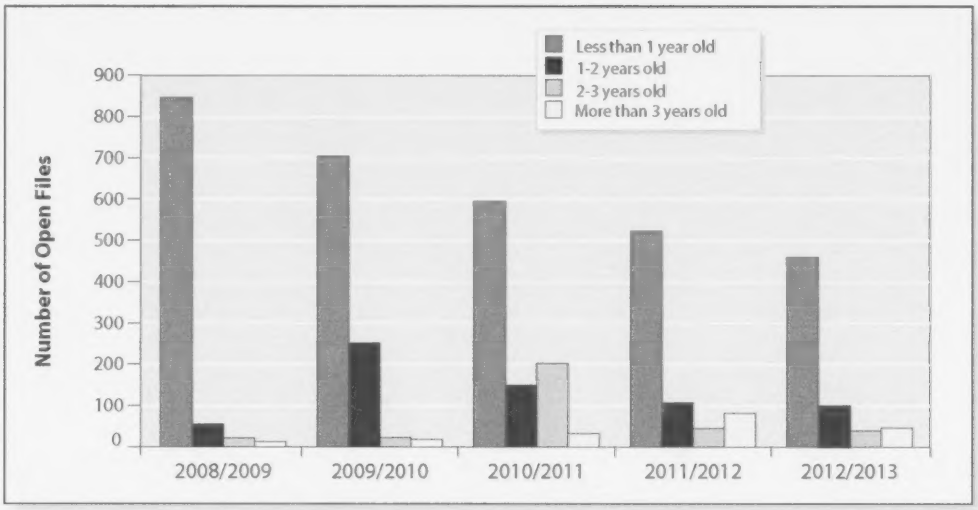
Performance Objectives**

70% closed within 90 days
85% closed within 180 days
90% closed within one year
95% closed within two years
100% closed within three years

* Elapsed time does not include time spent on the Files Awaiting Assignment list.

** These performance objectives apply to files closed by the investigative teams. Files closed at intake are not included in these numbers, nor are files associated with ongoing systemic investigations.

Open Files – Age of Files at Year End



	2008/2009	%	2009/2010	%	2010/2011	%	2011/2012	%	2012/2013	%
Less Than 1 Year Old	847	91%	704	71%	595	61%	523	69%	459	71%
1-2 Years Old	55		251		150		107		98	
2-3 Years Old	21	9%	22	29%	202	39%	45	31%	39	29%
More than 3 years old	12		18		32		81		46	
Total Open Files	**935**		**995**		**979**		**756**		**642**	

Authority Categories – Summary

The Office of the Ombudsperson has jurisdiction over provincial public authorities. These have been grouped below into categories. A complete detailed list of authorities and files opened can be found at www.bcombudsperson.ca.

Authority Categories by Section of the Schedule to the *Ombudsperson Act*	Open Files as of 01-Apr-2012	Requests for Information or Assistance	Files Opened	Files Closed *								Open Files as of 31-Mar-2013
				Assistance and/or Referral	Declined (s.10, 11)	Concluded (s.13)	Settled s.14	Findings Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed	Total Files Closed	
Ministries	315	344	2,741	1,031	100	1,347	243	89	2**	2,812	2,761	295
Commissions and Boards	97	197	710	360	24	266	54	23	1**	728	712	95
Crown Corporations	89	31	542	166	3	343	32	13	0	557	547	85
Municipalities	69	11	274	105	0	153	11	19	0	288	283	60
Regional Districts	16	2	64	17	0	42	4	2	0	65	65	15
Islands Trust	1	0	6	3	0	3	0	0	0	6	6	1
Improvement Districts	9	1	5	2	0	6	1	1	0	10	10	4
Libraries	2	0	0	0	0	0	0	0	0	0	0	2
Parks Boards	0	0	10	2	0	5	0	0	0	7	7	3
Schools and School Boards	20	0	61	26	0	29	3	4	0	62	59	23
Universities	3	1	20	11	0	5	1	1	0	18	18	5
Colleges	2	1	19	12	0	7	0	1	0	20	19	2
Professional Associations	28	74	106	79	0	35	2	9	0	125	122	12
Health Authorities	103	20	434	273	0	187	28	11	6**	505	497	40
Totals	**754**	**682**	**4,992**	**2,087**	**127**	**2,428**	**379**	**173**	**9**	**5,203**	**5,106**	**642**

* For investigation files, the number of files closed is not the same as the number of closings. Starting July 2003, we began closing each issue, or matter of administration identified on a file, separately. Each investigation file has one or many matters of administration. Therefore the number of matters closed during a period may be greater than the number of files closed during that period. A file closed is considered closed when all of its matters of administration are closed.

** This includes the findings and recommendations in the systemic investigation report *No Longer Your Decision* – see table below.

Systemic Investigation report *No Longer Your Decision: British Columbia's Process for Appointing the Public Guardian and Trustee to Manage the Financial Affairs of Incapable Adults*

	Number of Findings Made	Number of Recommendations Made	Recommendations Accepted	
			In Full	In Part
Ministries	7	16	14	
Commissions and Boards	7	7	5	1
Health Authorities	7	5	5	
Totals	**21**	**28**	**24**	**1**

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